

**REFERENCE:** P/17/4/FUL

**APPLICANT:** Mr Martyn Watts-Jones Little Hamston, Dyffryn, St Nicholas, Vale of Glamorgan, CF5 6SU

**LOCATION:** The Church Hall Church Street Aberkenfig CF32 9AU

**PROPOSAL:** Change of use of redundant Church Hall site - Demolition of Former Church Hall and erection of two new semi-detached dwellings

**RECEIVED:** 4 January 2017

**SITE INSPECTED:** 18 January 2017

### **APPLICATION / SITE DESCRIPTION**

The application seeks permission for the demolition of a church hall building and the erection of two semi-detached dwellings at Church Street, Aberkenfig.

The existing church hall building, which has been vacant for several years and is in a relatively poor state of repair, would be replaced by a pair of three-bedroom semi-detached properties. Each dwelling would have a typical two-storey design and measure 6.2m in width by 9.5m in depth. They would have an approximate height of 8.75m from ground level, which is comparable to the adjacent dwelling houses that flank the site. Each dwelling would have a rendered finish with slate tiled roof. There is no dedicated off street car parking existing at the site or proposed as part of the application with the existing building taking up virtually the entire site. The new dwellings would be smaller in footprint than the existing building with enclosed garden spaces being created to the rear of each plot.

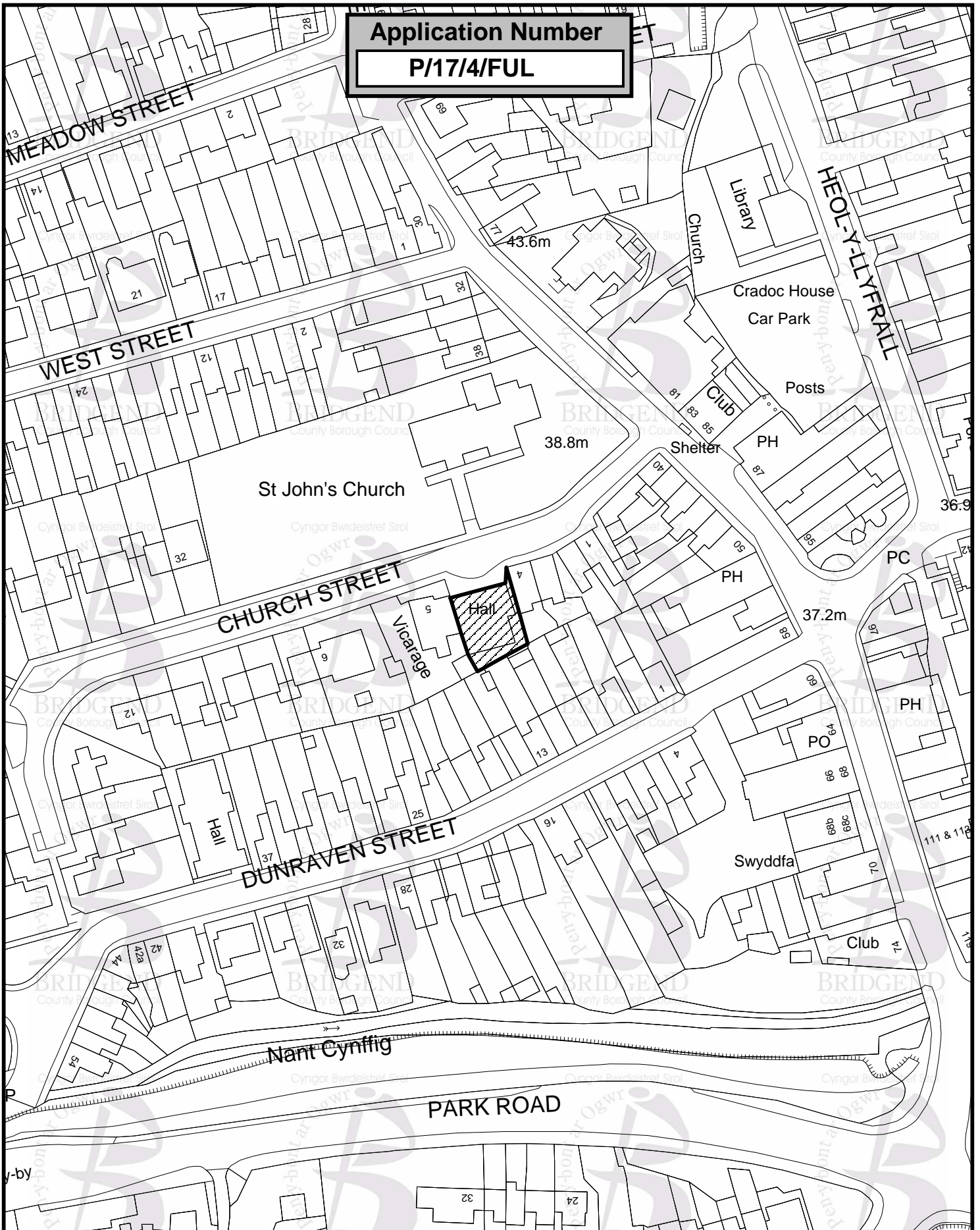


Fig. 1: Existing and Proposed Site Layouts

The application site is situated within the built up area of Aberkenfig although it falls outside the defined commercial/retail centre of the village. Situated on a side street the application site comprises a stone built, single storey building that is attached to the adjacent 'Vicarage' building (5 Church Street) which flanks the west of the site. To the eastern side of the site and flanking the rear of the plot, are further residential properties. Opposite the application site, beyond the vehicular highway and layby fronting the site, is St John's Church.

Application Number

P/17/4/FUL



Scale 1:1,250

Date Issued:  
09/03/2017

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
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O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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The planning application is accompanied by a Design and Access Statement, a Bat Survey and a Drainage Management Strategy for the development.

### **RELEVANT HISTORY**

P/14/657/FUL - Demolition of Former Church Hall & Erection Of 2 New Semi-Detached Dwellings - Withdrawn 17/12/2014

P/03/1106/FUL - Change of use to residential dwelling - Granted 28/10/2003 (not implemented).

### **PUBLICITY**

The application has been advertised by means of site notice.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 31 January 2017.

### **NEGOTIATIONS**

The applicant was requested to serve Notice on the adjoining residential property and provide details/evidence that the 2003 planning application for the change of use of the building to residential use was not implemented.

### **CONSULTATION RESPONSES**

Welsh Water Developer Services - No objection subject to the imposition of a drainage condition.

Destination & Countryside Management - No objections.

Head of Street Scene (Highways) - No objections.

Head of Street Scene (Drainage) - No objections.

### **REPRESENTATIONS RECEIVED**

Letters of Objection have been received from the following:

C Smith - The Vicarage, 5 Church Street, Aberkenfig.

M C Williams - 1 Penyrheol, Penyfai

Mr & Mrs Spanswick - 2 Church Street, Aberkenfig.

J Bowen – 21 Church Street, Aberkenfig.

The following is a summary of the planning objections/concerns received from local residents:

1. Unsuitable parking provision being proposed for the development in a congested and busy street where parking is already difficult.
2. The proposal would cause more traffic and more pressure on parking for residents already living in the street.
3. Extra housing will naturally mean more vehicles and more problems especially where the road narrows, particularly for emergency vehicles.
4. The old hall has been derelict for many years so a discount should not be made for the historic use of the building when car ownership and travel patterns were different to today.
5. Construction traffic would bring further disruption and grid lock for residents.
6. Unsuitable drainage arrangements being proposed for the development.
7. What plans are in place to make good the end elevation of 5 Church Street following demolition of the attached building- including use of appropriate finishes for the end elevation of the affected building, ensuring the structural integrity of the end wall and ensuring the filling of existing openings correctly.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

1-4. The Transportation Section has raised no objections against the planning application as further detailed in the Appraisal Section of this report.

5. Inevitably a development so close to existing properties is going to result in some inconvenience, general disturbance and disruption during the construction period. Nevertheless this is not a valid reason to justify the refusal of the planning application with such disturbance being of a temporary nature.

6. The planning application is accompanied by a drainage strategy with the Council's Land Drainage Officer and Welsh Water raising no objections against the planning application.

7. Concerns raised about the integrity and maintenance of the affected end elevation of the adjacent building (5 Church Street) are not considered material planning considerations that would warrant the refusal of such a planning application. Paragraph 3.1.4 of Planning Policy Wales Edition 9 (November 2016) states that "factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability". The planning system cannot protect the private interests of one person against the activities of another and, for this reason, the concerns raised are not considered to be material planning considerations.

## **APPRAISAL**

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

The application seeks planning permission for the demolition of a vacant church hall building and the erection of two residential dwellings at Church Street, Aberkenfig.

The application site is located within the designated settlement boundary of Aberkenfig as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 of the LDP supports the re-use of under-utilised land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. There is no specific or restrictive LDP policy associated with the application site. The Church Hall has not been utilised since 2003 (as indicated by the applicant) and the building is currently in a poor state of repair. Although the loss of the community facility is somewhat regrettable, with Policy COM7 of the LDP seeking to protect community facilities, in this instance it is evident the building is no-longer used with residential properties bounding the rear and sides of the site. The re-use of the site for residential purposes does therefore represent a sustainable and compatible use of the plot with residential development being supported in principle on the site.

In terms of the impact of the proposal on the character and appearance of the street scene, the proposal includes the demolition of an existing building, although it is considered the existing building does not make such a positive contribution to the general character and appearance of the area to warrant its retention. The single storey building, whilst of a stone construction, has been poorly maintained and is currently entering a state of disrepair. The existing building occupies the majority of the plot and would be replaced by sympathetically designed dwellings that are reflective of the appearance, finishes and form of existing dwellings in the street scene. The proposal would arguably enhance the general appearance of the area, with the dwellings considered sensitive to the wider site context. Conditions would be required to ensure the exact external finishing materials are satisfactory and in keeping with the finishes of neighbouring properties, where appropriate, and all means of boundary treatment are

satisfactory. The development would not result in the overdevelopment of the site and would provide appropriate amenity space for each dwelling. Overall, the development is considered to be acceptable in terms of visual amenities.

In terms of the impact on neighbouring residential amenity and privacy, with due regard to the comments raised by neighbouring residents, the scheme is considered acceptable.

The application site effectively comprises an infill plot that is immediately abutted by residential properties. The proposed dwellings would be smaller in footprint and arguably represent a more compatible use with the adjacent residential properties than the existing building to be demolished, particularly when considering the D1 planning uses (non-residential institutions) that could operate from the existing building without the need for planning permission; D1 uses that include a clinic, health centre, crèche, day nursery, exhibition hall or a museum.

The proposed dwellings would be erected alongside the side elevations of the adjacent properties, following comparable building lines with a side pedestrian access being retained for both of the proposed properties. No aspect of the scheme would therefore have any harmful overbearing or dominating impact on the adjacent properties particularly the principal habitable room windows of existing properties along Church Street. The residential garden areas of properties along Dunraven Street immediately abut the rear of the application site and are set on a slightly lower level. Nevertheless with the footprint of the proposed buildings being less than the existing building and new garden areas being positioned to the rear of the proposed dwelling buildings, the proposal would not adversely overshadow or dominate properties positioned towards the rear of the site. A distance in excess of 21m would be retained between the habitable room windows of the new development and the main rear elevations of properties along Dunraven Street. A degree of mutual overlooking would occur between the development and the neighbouring rear garden areas although this type of relationship between properties is commonly found in the area, with no aspect of the development considered harmful to the current levels of residential amenity and privacy currently enjoyed within the locality.

In terms of highway safety, the Highways Authority has carefully considered the transportation implications of the proposal and raised no objections against the planning application. It is advised the proposal for two small, 3 bedroom semi-detached dwellings, in traffic generation terms, would not materially increase turning movements into and out of Church Street over and above those associated with the former church hall use. In addition, the on-street parking requirement for the church hall is considered to be greater than the proposed parking requirement for the 2 dwellings and the proposal will therefore, result in a nil-detriment on-street parking situation for Church Street. Furthermore, the existing building could accommodate various D1 uses, such as a crèche or day nursery, without the formal need for planning permission that would likely generate greater levels of traffic movements and associated parking demand when compared to the proposal for two dwelling houses at the site. The site is also considered to be well served by public transport links and within walking distance to local shops and amenities. On this basis, no objections are raised against the planning application from a highways perspective.

With regard to site drainage, it is understood that the drainage strategy for the site is acceptable in principle (on the basis of the foul and surface water management strategy submitted) with the Land Drainage Officer and Welsh Water raising no objections against the planning application. The imposition of a planning condition that will require

the agreement of a comprehensive drainage scheme for the site prior to development commencing should therefore provide sufficient protection to the existing drainage infrastructure and the amenity of residents.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21<sup>st</sup> March, 2016.

Section 6 (1) states that "a public 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." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

As part of the application process the applicant has submitted a bat survey for the application building that concludes no bats were found or had recently been present for roosting within the building. The Council's Ecologist has reviewed the submitted bat survey and raised no objection against the planning application subject to a condition ensuring a bat method statement of works be submitted prior to works commencing. As such, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity and therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales

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

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

Whilst determining this application, policies PLA1, PLA11, COM3, COM7, and SP2 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02 were considered.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

## **RECOMMENDATION**

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

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

Block plans as existing and proposed - Draw.No. AS 02 received 04/01/2017

Elevations as proposed - Draw.No. AL 02 received 04/01/2017

Floor plans as proposed - Draw.No. AL 03 received 04/01/2017

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 buildings 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.

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

4. 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, 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 dwellings hereby approved.

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

5. No development shall commence, including demolition, until a bat method statement has been submitted to, and agreed in writing by, the Local Planning Authority. The statement shall include details of:

- i) a scheme for construction methods and measures to be taken to minimise the impact of any works in regard to protected species;
- ii) the timings and phasing of demolition and construction works.

The mitigation measures shall be implemented in accordance with the agreed statement and scheme and shall be adhered to for the duration of the construction period.

Reason: In the interests of safeguarding the impact of the development on protected species.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on the approved plans identified in Condition 1.

Reason: In the interests of visual and residential amenities.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

b. The applicant is advised the new dwellings should incorporate bat friendly features which would demonstrate compliance with the Environment (Wales) Act 2016. From a Bridgend County Borough Council perspective, compliance with this Act can be demonstrated through Green Infrastructure Policy ENV 5 of the Adopted Bridgend County Borough Local Development Plan 2013. This policy is supported by Supplementary Planning Guidance (SPG) 19 Biodiversity and Development a Green Infrastructure Approach, which can be viewed at: <http://www1.bridgend.gov.uk/services/planning/supplementary-planning-guidance-spg.aspx>

This SPG includes a series of Guidance sheets and mitigation measures. Specifically relevant to Bats is Guidance Sheet B1-Bats and Development.

c. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains,



and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

d. The applicant should note that the widened area of carriageway outside the property is a part of the maintainable highway and is available for all highway users. The highway cannot be considered as formal parking associated with the proposal, however, this is a similar situation that related to the Church Hall and results in a nil detriment situation in on-street parking.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background papers**

None