

## **APPEALS**

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

**CODE NO.** A/17/3181972 (1813)

**APPLICATION NO.** P/16/610/FUL

**APPELLANT** CASTELL HOMES

**SUBJECT OF APPEAL** CONVERT/RENOVATE COED PARC TO 2 RESIDENTIAL DWELLINGS (INCLUDING. EXTENSION, ALTERATIONS, PART DEMOLITION) & CONSTRUCT 13 NEW RESIDENTIAL DWELLINGS WITH NEW ACCESS, LANDSCAPING, PARKING & ASSOCIATED WORKS  
COED PARK, PARK STREET, BRIDGEND

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

The application was REFUSED for the following reasons:-

1. The increased use of a sub-standard access will result in additional traffic hazards to the detriment of highway safety in and around the site, contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).
2. The proposed development, by reason of its layout, design and siting, will generate reversing movements to or from the public highway, creating traffic hazards to the detriment of highway safety contrary to Policies SP2 (6) and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 9, November 2016) and Technical Advice Note 18 – Transport (2007).

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**CODE NO.** A/17/3182456 (1814)

**APPLICATION NO.** P/17/214/FUL

**APPELLANT** MR K HAINES

**SUBJECT OF APPEAL** NEW DWELLING  
LAND REAR OF OSBORNE TERRACE NANTYMOEL

**PROCEDURE** WRITTEN REPRESENTATIONS

**DECISION LEVEL** DELEGATED OFFICER

The application was REFUSED for the following reason:-

1. The site lies in a rural area and the proposal which constitutes an undesirable extension of urban development outside any settlement boundary, would be prejudicial to the

character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies and would set an undesirable precedent for further applications for similar development in this area to the detriment of visual amenities and the character of the Northern Uplands Special Landscape Area, contrary to Policies PLA1, EV1 and ENV3 of the Bridgend Local Development Plan and advice contained within Planning Policy Wales (ED. 9 Nov 2016).

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

<b>CODE NO.</b>	A/17/3166499 (1793)
<b>APPLICATION NO.</b>	P/16/682/OUT
<b>APPELLANT</b>	MS CLARE TUCK
<b>SUBJECT OF APPEAL</b>	NEW DWELLING GARDEN OF 67 WOODLANDS AVENUE, PENCOED
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED.

A copy of this appeal decision is attached as APPENDIX A

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<b>CODE NO.</b>	A/17/3167313 (1794)
<b>APPLICATION NO.</b>	P/15/640/FUL
<b>APPELLANT</b>	TRIANGLE 3
<b>SUBJECT OF APPEAL</b>	EXTENSION TO PROVIDE ADDITIONAL CLASS A1 RETAIL FLOORSPACE (1 UNIT) NEXT TO UNIT 6/7 WATERTON RETAIL PARK, BRIDGEND
<b>PROCEDURE</b>	PUBLIC INQUIRY
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS

A copy of this appeal decision is attached as APPENDIX B

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**CODE NO.** D/17/3176992 (1805)

**APPLICATION NO.** P/17/71/FUL

**APPELLANT** MR N G THOMAS

**SUBJECT OF APPEAL** REMODELLING OF DWELLING TO INCLUDE NEW ROOF SHAPE, ALTERATIONS AND EXTENSION OF EXISTING BUNGALOW AND LOFT CONVERSION INCLUDING DORMERS & DETACHED GARAGE/STORAGE BUILDING WITH FIRST FLOOR AND DORMERS  
PENYBRYN, BRIDGEND ROAD, BRYNCETHIN

**PROCEDURE** HOUSEHOLDER

**DECISION LEVEL** OFFICER DELEGATED

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

A copy of this appeal decision is attached as APPENDIX C.

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

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

**Background Papers** (see application reference number)

## APPENDIX A

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### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/07/17

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21.08.2017

### Appeal Decision

Site visit made on 18/07/17

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 21.08.2017

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**Appeal Ref: APP/F6915/A/17/3166499**

**Site address: 67 Woodland Avenue, Pencoed, Bridgend, CF35 6UW**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ms Clare Tuck against the decision of Bridgend County Borough Council.
  - The application Ref: P/16/682/OUT, dated 15 August 2016, was refused by notice dated 9 November 2016.
  - The development proposed is a new dwelling in garden of 67 Woodland Avenue, Pencoed.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline with all matters reserved for subsequent approval. There is sufficient information to determine the appeal on this basis.

### Main Issues

3. These are: the effect of the proposed development upon highway safety; and the effect of the proposed development upon the character and appearance of the area.

### Reasons

4. The appeal proposal seeks outline planning permission for the construction of a new residential dwelling within the existing garden area of No.67 Woodland Avenue in Pencoed. The evidence supporting the proposal indicates that the proposed dwelling would incorporate two storeys and would be attached to the existing property at No.67. A new 1.8 metre fence would be erected between the new property and No.67, with separate points of access achieved off Woodland Avenue. A secondary means of access would serve the proposed dwelling via the adjacent Heol-y-Geifr.

### Highway Safety

5. It is well established that the existing highway network in Pencoed is severely constrained by the mainline railway, with little prospect of effective mitigation in the immediate future. In acknowledgement of this constraint, Policy PLA6 of the adopted Bridgend Local Development Plan 2006- 2021 (2013) (LDP) places a restriction on development west of the railway line, specifically stating that development proposals
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that would generate a net increase in vehicular traffic movements to the west of the railway line in Pencoed will not be permitted.

6. As a new dwelling located to the west of the railway line, there is no doubt that the proposed development would increase vehicular traffic movements within the vicinity of the railway line. In this respect the proposed development would clearly conflict with the adopted development plan. The appellant contends that recent planning decisions have resulted in spare capacity in the area that could facilitate the development. However, whilst I acknowledge the fact that the development permitted at the former Bayswater Tubes site would deliver a net reduction in vehicular movements relative to its former industrial use, I have not seen any evidence to indicate that such developments have, or will, improve highway conditions to such an extent that the aforementioned issues would no longer be of concern. Indeed, I was able to observe at the time of my site visit a considerable amount of traffic being held up at the level crossing due to passing rail services, with some vehicles manoeuvring around stationary traffic to the detriment of highway safety.
7. I have fully considered the availability of alternative routes within the vicinity and recognise that the proposed development would, in itself, only generate a modest increase in the number of vehicles on the road. However, there is no doubt that the cumulative impact of such developments would exacerbate the existing situation and, for this reason, I find that the development would materially undermine highway safety.
8. On this basis, I find nothing to indicate that this element of the appeal should not be determined in complete accordance with the adopted development plan.

#### *Character and Appearance*

9. It was clear at the time of my site visit that the existing pattern of development within the area is characterised by dwellings that sit comfortably within their respective plots, with the majority of dwellings incorporating largely open frontages. As all matters have been reserved for future consideration, it is neither possible nor necessary for me to fully conclude on detailed design matters at this stage. Nevertheless, by virtue of the scale and siting of the proposed development in a confined space located between No.67 and the associated boundary with Heol-y-Geifr, it is clear that the dwelling would represent a cramped and contrived form of development that would run counter to the general pattern of development within the area. Indeed, the contrived nature of the scheme would be exacerbated by the proposed 1.8 metre front boundary fence and the proposed frontage parking arrangements which would generate a cluttered appearance that would be incongruous in the street scene.
10. I recognise the fact that a number of other properties within the area have benefited from extensions and note the fact that some properties have been subdivided to form separate residential dwellings. However, I do not consider such developments to have resulted in an absolute change to the character of the area. Similarly, whilst I acknowledge that No.67 incorporates a substantial hedgerow at its front boundary, I do not consider such a feature to justify the harm identified.
11. For these reasons, I conclude that the proposed development would cause material harm to the character and appearance of the area. Accordingly, I find that it would conflict with the general thrust of Policy SP2 of the adopted LDP which generally seeks to ensure that all development should contribute to creating high quality, attractive and sustainable places which enhance the community within which they are located.

*Overall Conclusions*

12. Based on the foregoing, and having considered all matters raised, I conclude that the appeal should be dismissed.
13. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.
14. Whilst not comprising a reason for refusal, Natural Resources Wales (NRW) has raised significant concerns about the proposed development on the grounds of flood risk. The evidence indicates that the site is partially located within the C2 flood zone and national planning policy is clear that a precautionary approach should be taken in such areas. Specifically, PPW states that meeting the Welsh Government's objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas of flood hazard towards a more positive avoidance of development in areas defined as being of flood hazard. Moreover, TAN 15 states that new development should be directed away from Zone C before going on to state that highly vulnerable development, such as the residential development proposed in this case, should not be permitted in Zone C2.
15. As I have already concluded that the proposed development is unacceptable for other reasons I need not conclude on such matters. However, for the avoidance of any doubt, I consider such matters to constitute a significant constraint to the acceptability of the development based on the evidence before me. Indeed, such matters would need to be satisfactorily resolved before the development could be considered compliant with national planning policy.

*Richard E. Jenkins*

INSPECTOR

## APPENDIX B

### Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 09/08/17

Ymweliad â safle a wnaed ar 09/08/17

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14.09.2017

### Appeal Decision

Inquiry Held on 09/08/17

Site visit made on 09/08/17

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 14.09.2017

**Appeal Ref: APP/F6915/A/17/3167313**

**Site address: Waterton Retail Park, Waterton, Bridgend, CF31 3TN**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Triangle 3 against the decision of Bridgend County Borough Council.
- The application Ref: P/15/640/FUL, dated 29 September 2015, was refused by notice dated 2 November 2016.
- The development proposed is extension to provide additional class A1 retail floorspace (1 unit).

### Decision

1. The appeal is allowed and planning permission is granted for extension to provide additional class A1 retail floorspace (1 unit) at Waterton Retail Park, Waterton, Bridgend, CF31 3TN in accordance with the terms of the application, Ref: P/15/640/FUL, dated 29 September 2015, and the plans submitted with it, subject to the conditions attached to the schedule below.

### Application for costs

2. At the Inquiry applications for costs were submitted by Bridgend County Borough Council<sup>1</sup> and C2J Architects and Town Planners<sup>2</sup> against Triangle 3. These applications are the subject of separate Decisions.

### Procedural Matters

3. The planning application was submitted to Bridgend County Borough Council and was registered as being valid on 5 October 2015. The submitted application proposed an additional 1,160sqm of class A1 retail floorspace to be provided in two new units. Amendments to the application were submitted to the Local Planning Authority (LPA) on 6 June 2016 for a single retail unit, as opposed to the two originally proposed, which would be aligned to the front of the existing retail units. The description of development was amended accordingly. The Council determined the application on the basis of the amended scheme and I have used the description of development associated with the amended scheme, as set out on the Notice of Decision, in the determination of this appeal.

<sup>1</sup> Inquiry Document 8

<sup>2</sup> Inquiry Document 4 – On behalf of 'Waterton Residents'



4. Amongst other things, an updated noise assessment and a scheme of mitigation incorporating an acoustic fence measuring between some 3.5 and 4 metres high was submitted through the planning appeal process. As documented on file, the Inspector originally appointed to determine the planning appeal<sup>3</sup> found that such matters materially altered the scheme that was determined by the LPA and the Inquiry was subsequently postponed to provide all parties with the opportunity to fully consider and respond to the evidence. Given that all parties were provided with sufficient opportunity to respond to such matters through the appeals process, I am satisfied that I can determine the planning appeal on the basis of the amended scheme without any prejudice to the parties involved in the process, including those interested parties that have made representations. I shall therefore determine the appeal on the basis of the scheme determined by the LPA, as amended by the evidence submitted through the appeal process.

### **Main Issues**

5. These are the effect of the proposed development upon: the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of noise, general disturbance and outlook; and the character and appearance of the area.

### **Reasons**

6. The appeal site is located within the Waterton Retail Park which is located approximately 2 miles to the southeast of Bridgend town centre. The retail park is situated off, and can be directly accessed from, the Coychurch roundabout which forms the junction of the A473 Waterton Road and B4181. The appeal site comprises some 2,475 sqm (0.25ha) and incorporates the area of land abutting the existing retail units numbered 6 and 7, which currently forms part of the wider customer car parking area. The site is bounded to the north by the existing customer car park, to the east by Retail Units 6 and 7, to the west and northwest by the customer car park that serves a local gymnasium and, to the southwest, an area of vegetation and mature trees beyond which existing residential properties are located.
7. The appeal proposal would construct a single retail unit as an extension to the existing retail park. The proposed retail unit would have a gross internal floorspace of approximately 697sqm (7,500sq.ft) and would have a rectangular footprint with a shallow pitched roof. A service yard for the new unit would be formed to the rear of the unit, adjacent to the existing service yard that serves the adjoining retail units. The proposed service yard would incorporate part of the existing service road and car park and would necessitate the removal of an existing planting bed which contains a single Alder tree. Access to the service yard would be via the existing service road which is accessed from the east, with the submitted plans indicating that the yard to the rear of the existing units at No.6 and 7 would be used for vehicles to run and reverse into the servicing entrance of the new unit. This land is within the appellant's control and would be implemented through the imposition of suitably worded planning conditions.

### *Noise Impacts*

8. The Council refused the planning application on the basis that the proposed servicing arrangements, when considered cumulatively with the impact of the servicing activities at the adjacent retail units, would result in levels of noise and disturbance that would have a significant adverse impact on the living conditions of the occupiers

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<sup>3</sup> V Hirst BA (Hons) PG DipTP MA MRTPI



of the residential properties located along Waterton Lane, with particular reference to those at Waterton Mill and Moss Nook. It was therefore found that the development would be contrary to criterion 8 and criterion 12 of Policy SP2 of the adopted Bridgend Local Development Plan 2006- 2021 (2013) which, amongst other things, respectively seek to avoid or minimise noise pollution and to ensure that the amenity of neighbouring uses and their occupiers would not be adversely affected. It was also found be contrary to criterion 2 of Policy ENV7 which, amongst other things, seeks to prevent unacceptable risk of harm to health, biodiversity and/or local amenity due to noise pollution.

9. Nevertheless, as set out in the procedural matters above, the appellant submitted through the appeal process an updated noise assessment and a scheme of mitigation that would incorporate an acoustic barrier measuring between 3.5 and 4 metres in height. A comprehensive suite of other mitigation measures are also proposed to be controlled via the imposition of suitably worded planning conditions, including controls in relation to plant noise, the use of white noise reversing alarms, the imposition of a waste and service yard management plan and restrictions of the hours of delivery. Such mitigation measures were not considered as part of the determination of the planning application. However, having reviewed the evidence, the Council has confirmed that it no longer wishes to maintain its in-principle objection to the development on the basis of noise impact.
10. There is no doubt that the proposed mitigation measures, and in particular the acoustic barrier which would comprise a 4 metre high fence located immediately adjacent to an area of established landscaping between the proposed development and the residential development at Moss Nook and a 3.5 metre high fence along the back edge of the service delivery road, would materially alter the levels of noise and general disturbance relative to that considered by the LPA at the time of determination of the planning application. The most up to date evidence is based on an acceptable method of assessing such noise impacts<sup>4</sup> and objectively demonstrates that noise associated with delivery activity, including in-combination effects with other existing uses, can be mitigated so that the development would not give rise to a significant adverse impact. Indeed, it is common ground between the LPA and the appellant that the extensive suite of mitigation measures would reduce delivery noise at the closest noise sensitive receptors of Moss Nook and Waterton Mill from both the proposed retail unit and the existing retail uses at units 6/7. I have not seen anything to persuade me to come to a different conclusion on this matter and it is on this basis that I find that, subject the proposed mitigation measures, the development would attenuate levels of noise and general disturbance to an acceptable level.
11. It was questioned at the Inquiry as to whether the extent of the proposed acoustic fence should be extended to the east given that the servicing activity at the adjacent retail unit would be subject to change as a result of the proposed development. However, whilst I acknowledge that planning permission has been granted for a number of residential properties along Waterton Lane under Ref: P/14/185/FUL, I have been advised that permission was granted within the full knowledge of the unrestricted servicing area to the rear of the existing retail units and the application was accompanied by a noise assessment report. Indeed, it would not be reasonable for the current proposal to mitigate against noise activity arising from existing uses. Notwithstanding this, I have not seen anything to indicate that the resulting arrangement would be materially different to the current arrangement that exists

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<sup>4</sup> British Standard BS 4142:2014

between the existing residential properties located immediately south of the servicing area at unit 6/7.

12. Therefore, having had regard to the extensive evidence available, and having considered all matters raised, I find that the proposed development would not cause material harm to the living conditions of the occupiers of nearby residential properties by reason of noise and general disturbance. As such, I find that there would be no conflict with the aforementioned adopted LDP policies relating to noise impact. I also find no conflict with the planning policy framework set nationally.

#### *Visual Amenity*

13. I am generally satisfied that the proposed retail unit and associated use of surrounding land would be appropriate to its local context. However, it is clear that the proposed acoustic fence would comprise a substantial structure within relative close proximity to a number of residential properties along Waterton Lane. I was also able to appreciate at the time of my site visit that the acoustic barrier would be sited on land that is already significantly elevated relative to that of the nearby residential dwellings. Nevertheless, the area of land located between the proposed 4 metre high fence and the properties to the south west of the proposed retail unit is covered by a dense block of protected woodland that significantly exceeds the height of the proposed fencing. Similarly, the area to the south and south east of the retail that would be served by the proposed 3.5 metre high fence would be seen within the context of an existing and well established hedgerow.
14. I recognise that views of the proposed acoustic fence would be more prevalent in the winter months when natural leaf die back of any deciduous vegetation would allow views through the network of branches. However, given the wider context of the substantial mass of retail units, and the potential for a sensitive scheme of maintenance and wider landscaping, I am satisfied that levels of outlook from nearby residential properties would not be unacceptably reduced. For the same reasons, I am also satisfied that there would be no material harm caused to the wider character and appearance of the area.
15. Concerns have been raised that the scale of the proposed acoustic fencing would mean that existing and proposed landscaping would be unlikely to survive due to lack of light. However, given the orientation of the proposed fencing relative to the vegetation, I find such concerns to be largely unfounded. Concerns have been raised that the acoustic fencing would compromise the roots of the trees protected by Tree Preservation Orders (TPO). However, it is clear from the Statement of Common Ground<sup>5</sup> that the Council do not consider such concerns to amount to a justifiable reason for refusing planning permission and a qualified arborist has submitted evidence to the Inquiry indicating that a method of construction for the proposed acoustic fence could be agreed to adequately protect the root system and ultimately the health and well-being of the protected trees. Moreover, it has been confirmed that any necessary work could be undertaken by a qualified arborist in accordance with the relevant British Standards. On this basis, I am satisfied that such matters could be satisfactorily addressed through the imposition of a suitably worded planning condition requiring an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). The long term maintenance and management of the acoustic fence and landscaping areas could also be addressed through the imposition of a planning condition.

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<sup>5</sup> Inquiry Document 3

16. For these reasons, I find that the proposed development would not cause material harm to the living conditions of the occupiers of neighbouring properties by reason of loss of outlook. I also find that, subject to appropriate landscaping, there would not be any material harm to the character and appearance of the area. Accordingly, I find that there would be no conflict with the policies of the adopted development plan or national planning policy.

*Other Matters*

17. A number of other matters of concern have been raised by interested parties. However, whilst objections relating to retail need have been raised, the evidence indicates that sufficient capacity exists to accommodate the proposed development and a sequential assessment has been undertaken in accordance with the requirements of national policy. Indeed, that assessment indicated that no suitable units are available within the existing centres to accommodate the scale of development proposed. I am therefore satisfied that the development would not cause material harm to local retail centres. Within this context, I find that there would be no conflict with Policy REG10 of the adopted LDP which relates to existing retail developments located outside of defined retailing and commercial centres. I am also satisfied that there is no conflict with national policy in this respect.
18. Concerns have been raised that the development would cause congestion and represent a threat to highway safety through the proposed loss of car parking spaces. However, it is common ground between the appellant and the LPA that, based on the most up to date information, the development is acceptable in transport terms. Indeed, the most up to date evidence demonstrates that, subject to the most up to date proposals being secured through the imposition of planning conditions, there would be spare capacity for the parking of vehicles. Concerns have been raised regarding the parking surveys that have been undertaken. However, I have not seen anything that leads me to share such concerns and no other surveys have been submitted that robustly challenge those submitted by the appellant. On this basis, I find that the development would not undermine pedestrian or highway safety.
19. Finally, I have not seen any robust evidence to indicate that the proposal would have an unacceptable impact on local biodiversity features. Moreover, no other matters raised lead me to believe that the proposed scheme would be unacceptable.

*Overall Conclusion*

20. Based on the foregoing, and having considered all matters raised, including those raised by interested parties, I conclude that the appeal should be allowed, subject to the conditions set out in the schedule below.
21. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.
22. I have considered the suggested conditions and, having had regard to the advice in Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014), have adjusted their wording in the interest of clarity and precision. In addition to the statutory time commencement condition, I have imposed

a condition relating to the approved plans for the avoidance of any doubt. Condition No.3 and 17 are necessary in the interest of visual amenity, whilst Condition Nos.6, 7, 8 and 9 are necessary in the interest of both pedestrian and highway safety. Condition No.4 would ensure the satisfactory drainage of the site. Condition Nos.5, 10, 11, 12 and 16 would safeguard the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of noise and general disturbance.

23. Condition No.13 would require a scheme of lighting to safeguard the visual amenity of the area and the living conditions of neighbouring occupiers. Condition No.14 would restrict retail opening hours and No.15 would restrict waste collection, deliveries and the loading of vehicles. Both are necessary to ensure satisfactory living conditions for local residents. As referred above, Condition No.18 would require an AMS and TPP in the interest of safeguarding the character and appearance of the area and in the interest of nature conservation. The Council's suggested condition No.18 would be adequately covered by the AMS and TPP required by Condition No.18 imposed as part of this permission and is not, therefore, necessary. Condition No.19 would require a management plan for the new and existing landscaping areas, as well as the acoustic fencing, and is necessary to make the scheme acceptable in terms of its effect on visual amenity and outlook. Finally, Condition No.20 would protect the vitality and viability of the designated retail centres within the vicinity of the appeal site. This condition is necessary to comply with both national and local planning policies relating to retailing.

*Richard E. Jenkins*

INSPECTOR

### Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
  - Site Location Plan - 150203-D-011 Rev.B
  - Proposed Site Plan - 150203-D-016 Rev.C
  - Proposed Elevation Unit 10 - 150203-D-012 Rev.C
  - Proposed Ground Floor Plan - 150203-D-013 Rev.C
  - Proposed Sections A-A, B-B - 150203-D-014 Rev.B
  - Proposed Sections A-A, B-B - 150203-D-014 Rev.G
  - Vectos Transport Planning Specialists: Service Yard – Unit 10 – General Arrangement Plan – 151899\_AT\_D01
  - Corscadden Associates – Landscaping Plans: Landscape Proposals – 2015./73 Rev.E
  - Cordcadden Associates – Acoustic Fencing: Acoustic Fence Visual Assessment – CA 2017./59
  - Vectos Transport Planning Specialists: Proposed Parking Arrangement – 151899/A/05 Rev.B
- 3) Prior to the construction of the building hereby approved details or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the building and yard being brought into beneficial use and shall be retained in perpetuity.
- 5) The development hereby permitted shall not be commenced until a Service and Waste Management Plan in relation to the servicing of the new unit has been submitted to and approved in writing by the Local Planning Authority. The Plan shall:
  - Specify the types of mobile plant and equipment that will be used in servicing the unit, including the use of electric forklift or other lifting equipment;
  - Include details of the sound or power pressure levels of each piece of mobile plant and equipment;
  - Specify how the waste collection and delivery vehicles will service the unit, including the route to be used into and out of the retail units and any restrictions relating to the use of the servicing road running adjacent to Moss Nook.

The new unit shall be serviced in accordance with the approved Plan.



- 6) No development shall commence until details of the construction of the car park shown on Drawing No.151899/A/05 Rev.B, including levels and details of the finished surface, have been submitted to and approved in writing by the Local Planning Authority. The parking area shall be completed in accordance with the approved details prior to the occupation of the building and shall be retained for the purposes of parking in perpetuity.
- 7) No development shall commence until a scheme for the provision of directions signage to the overflow car park has been submitted to and agreed in writing by the Local Planning Authority. The signage scheme shall be implemented in accordance with the agreed layout plan prior to the new retail unit being brought into beneficial use and shall be retained as such in perpetuity.
- 8) The delivery vehicle turning area shown on Drawing No. 151899\_AT\_D01 shall be clearly demarcated in permanent materials prior to the new retail unit being brought into beneficial use and shall be retained as such in perpetuity.
- 9) The new unit shall not be brought into beneficial use until the area shown hatched in yellow to the rear in Units 6/7 on Drawing No. 151899\_AT\_D01 has been cleared to allow the servicing of the new unit. The area hatched in yellow shall be retained clear of goods, material and equipment at all times and in perpetuity.
- 10) No goods, materials or equipment shall be stored outside the new building.
- 11) No development shall commence until a scheme illustrating the scale, design, specification and precise location of the required 3.5 metre and 4 metre acoustic barrier has been submitted to and approved in writing by the Local Planning Authority. The acoustic fence shall be constructed in accordance with the approved details prior to the retail unit hereby approved being brought into beneficial use and shall be retained and maintained as such in perpetuity.
- 12) Any fork lift trucks, powered trucks with boom attachments or any lifting or servicing equipment fitted with reversing alarms operating within the Service Tard, as defined on Drawing No.151899\_AT\_D01, shall be fitted with 'white sound reversing alarms'.
- 13) No development shall commence on site until a scheme of external lighting for the application site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include plans showing the type of light appliance, the height and position of fitting, illumination levels, light spillage, and hours of operation. The lighting approved shall be installed and shall be maintained in accordance with the approved details. No additional external lighting shall be installed at the site without the written consent of the Local Planning Authority.
- 14) The retail unit hereby permitted shall not be open to the public outside the following times: Mondays to Saturdays – 08:00 hours to 21:00 hours; and 10:00 hours to 18:00 hours Sundays and Public Holidays.
- 15) Waste collection, deliveries and the loading of vehicles shall only take place between 08:00 and 20:00 hours Monday to Friday and between 08:00 and 13:00 hours on Saturdays. No waste collection, deliveries or the loading of vehicles shall take place on Sundays or Bank Holidays.
- 16) No development shall take place until details of any fixed plant equipment required for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include measures and mitigation works to ensure that the rating level of the sound emitted from the fixed plant

equipment shall not exceed 43dBA between 07:00 and 23:00 hours and 35dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014. Any fixed plant equipment shall be installed and operated in accordance with the approved details.

- 17) Notwithstanding details on other approved plans, all landscaping works shall be carried out in accordance with the agreed details (Landscape Proposals - Drawing No.2015./73 Rev.E) during the first planting season immediately following completion of the development. The completed scheme shall be managed and maintained in accordance with scheme of management and maintenance that shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial use of the development hereby approved.
- 18) Prior to the commencement of development or other operations on site, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works, drainage, utilities, foundation design within any defined tree protection area. This shall include details of the construction of the service yard and the acoustic barrier. The development shall incorporate and be undertaken in accordance with the approved details.
- 19) Prior to the retail unit hereby approved being brought into use, a management plan for the new and existing landscaping areas and the acoustic fence hereby approved, including management responsibilities for maintenance and replanting schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented as approved and adhered to as long as the development remains in existence.
- 20) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking or re-enacting that Order) no more than 10% of the retail floorspace in the unit shall be used for open comparison sales. The remaining retail floorspace shall be used for the sale of the following goods: furniture; carpets and flooring coverings; bathroom suites, kitchen units; DIY; gardening and leisure; car and cycle products and accessories; homeware and soft furnishings; home textiles; electrical goods and domestic appliances.



**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Paul of Civitas Law

*He called:*

Helen Williams BSc (Hons) – Bridgend County Borough Council

Phillip Thomas – Bridgend County Borough Council

*Also Present:*

Amanda Borge – Bridgend County Borough Council

Kevin Mulcahy – Bridgend County Borough Council

Kwaku Opoku-Addo – Bridgend County Borough Council

Leigh Tuck – Bridgend County Borough Council

FOR THE APPELLANT:

Peter Goatley of No.5 Chambers

*He called:*

Ross Bowen BSc (Hons), DipTP, MRTPI – Director RPS Planning & Development

Keith Metcalfe BSc (Hons) MIOA – Director Sharps Redmore

Matt Russell – Director, Vectos

*Also Present:*

Mark Speed

INTERESTED PERSONS:

Robert Chichister BSc ASSOC.RTPI – C2J Architects and Town Planners

Neil Williams

Helen Evans

Kirsty Richards

**DOCUMENTS**

- 1 List of Appearances on behalf of Triangle 3
- 2 LPA – Letter of Notification of Inquiry details
- 3 LPA and Triangle 3 - Statement of Common Ground
- 4 Application for Costs by C2J Architects and Town Planners<sup>6</sup>
- 5 LPA - Recommended Planning Conditions
- 6 Triangle 3 – Outline Opening Submissions on behalf of Appellant
- 7 LPA – Planning permission Ref: P/14/185/FUL
- 8 Application for Costs by LPA
- 9 Record of Attendance

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<sup>6</sup> On behalf of Waterton Residents

## APPENDIX C



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

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### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 11/07/17

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.08.2017

### Appeal Decision

Site visit made on 11/07/17

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 15.08.2017

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**Appeal Ref: APP/F6915/D/17/3176992**

**Site address: Penybryn, Bridgend Road, Bryncethin, Bridgend CF32 9TG**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr N G Thomas against the decision of Bridgend County Borough Council.
  - The application Ref P/17/71/FUL, dated 25 January 2017, was refused by notice dated 28 April 2017.
  - The development proposed is described as the remodelling of dwelling to include: new roof shape, alterations and extension of existing bungalow and loft conversion including dormers and detached garage / storage building with first floor and dormers.
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### Decision

1. The appeal is dismissed.

### Procedural and Preliminary Matters

2. The Council amended the description of development from that shown on the planning application form. I am satisfied that the Council's description accurately reflects that proposed.
3. The application includes the construction of a detached garage / storage building together with alterations to, and extension of, the existing dwelling. The Council has not taken issue with the garage element of the proposal and I have no reason to conclude otherwise.

### Main Issues

4. These are the effect of the proposed development on the character and appearance of the surrounding area and on the living conditions of neighbours.

### Reasons

#### *Character and appearance*

5. The site lies in a largely residential area, characterised predominantly by dwellings of a mix of house types, including rows of terraces, semi-detached and detached dwellings and bungalows of varying design and external appearance. In addition to
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the dwellings in the surrounding area, a large, modern, flat roof ambulance station lies opposite the site and a traditional two and a half storey public house lies to the north. Whilst most of the buildings are set back from the highway behind boundary walls, some are sited closer to the back edge of the footway. In this context, there is little uniformity in the street scene or in the form of the surrounding development.

6. The appeal property is a modest bungalow of simple design and form, set back from the highway in an elevated position. The front elevation of the bungalow can be seen from public vantage points along this part of Bridgend Road but there few other viewpoints given its siting relationship with the neighbouring properties and that it backs onto a dense band of trees.
7. I acknowledge that the existing dwelling would be altered considerably as a result of the proposal and that the rear extension would be of a significant size. Nevertheless, its siting and design is such that the dwelling would retain the appearance of a modest bungalow from the front and the original proportions could be largely understood. Whilst it would represent a large increase in floorspace, its scale and form is commensurate with the host dwelling. Given the overall mix of properties in the surrounding area that I have described, I do not find that it would appear incongruous in the street scene. Neither do I consider that it would be overly prominent since it would continue to be viewed from limited public vantage points only and in the context of a row of other properties of varying design and scale.
8. For these reasons, the proposal would not have a harmful effect on the character and appearance of the host dwelling or the surrounding area. Thus I do not find conflict with Policy SP2 of the adopted Bridgend Local Development Plan 2013 (LDP), Supplementary Planning Guidance Note 02 'Householder Development' (SPG) or Planning Policy Wales (PPW) which *inter alia* require new development proposals to be of an appropriate scale and of a high quality design which respects and enhances local character.

#### *Living conditions*

9. The appeal site is at a higher ground level than the neighbouring property to the north, Royston House. The proposed extension would project a significant distance from the rear elevation of the dwelling. Taking into account this considerable length, together with its height, the proximity to the common boundary with Royston House and the change in ground level, I am of the view that the extension would result in an unacceptable overbearing impact when viewed from the closest habitable room windows on the rear elevation of the dwelling and the garden serving this neighbouring property.
10. I do not dispute the appellant's contention that Royston House is set within a large curtilage and, at its nearest point, the dwelling itself would be some 7 metres from the proposed extension. Be that as it may, the excessive length of the extension would dominate the neighbours' outlook to the south. The occupants of this property also have a reasonable expectation to enjoy their garden in addition to the dwelling. For the reasons I have given, I find that their amenities would be unacceptably compromised as a result of the proposal.
11. Turning to the proposed rear balcony. Its elevated position would result in direct views towards the private rear amenity space of the neighbouring properties, thereby resulting in an unacceptable overlooking impact. I acknowledge the appellant's suggestion that a privacy screen could be erected to both sides of the balcony to minimise such effects. Be that as it may, owing to the width of the balcony, I remain

concerned that privacy screens would only partially restrict harmful views towards the neighbours' private rear amenity space, and would be insufficient to overcome the unacceptable impact on their privacy. Whilst I accept that residents currently experience a degree of inter-visibility and overlooking between properties, I consider that the impact arising from the proposed balcony would be over and above that of the existing situation.

12. To this end, the development would have a harmful effect on the living conditions of the occupants of Royston House and Tre Thomas. Consequently, it would conflict with LDP Policy SP2 and PPW which state that the amenity of neighbouring uses and their occupiers should not be adversely affected. It would also be at odds with the SPG which requires that no extension should unreasonably dominate the outlook of an adjoining property and should respect the privacy of neighbours.
13. I also note the Council's concern that the dormer windows on the southern roof slope of the extension would unreasonably overlook the private garden of the neighbouring dwelling to the south, Tre Thomas. However, I consider this matter could be overcome by obscuringly glazing the windows given that two of the windows would serve a bedroom with an alternative, primary outlook to the rear and the other would serve an en-suite bathroom. Be that as it may, this matter does not outweigh the other harm that I have identified to the living condition of neighbours.

### **Conclusion**

14. For the reasons I have given, and having regard to all matters raised, the appeal is dismissed.
15. I have also had regard to the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

*Melissa Hall*

Inspector