

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/11/17

gan Janine Townsley LLB (Hons)  
Cyfreithiwr (Nad yw'n ymarfer)

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.12.17

## Appeal Decision

Site visit made on 13/11/17

by Janine Townsley LLB (Hons) Solicitor  
(Non-practising)

an Inspector appointed by the Welsh Ministers

Date: 15.12.17

**Appeal Ref: APP/F6915/A/17/3181972**

**Site address: Coed Parc, Park Street, Bridgend, CF31 4BA**

**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 Castell Homes against the decision of Bridgend County Borough Council.
- The application Ref P/16/610/FUL, dated 29 July 2016, was refused by notice dated 21 July 2017.
- The development proposed is convert/renovate Coed Parc to 2no. residential dwellings (inc. extension, alterations, part demolition) and construct 13no. new residential dwellings with new access, landscaping, parking and associated works.

### Decision

1. The appeal is allowed and planning permission is granted for convert/renovate Coed Parc to 2no. residential dwellings (inc. extension, alterations part demolition) and construct 13no. new residential dwellings with new access, landscaping, parking and associated works at Coed Parc, Park Street, Bridgend, CF31 4BA in accordance with the terms of the application, Ref P/16/610/FUL, dated 29 July 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Main Issue

2. This is the effect of the development on the safety and convenience of users of the adjacent highway network.

### Background Matters

3. Coed Parc is a grade II listed building (LB). It was listed in 1986 and is described as an arts and crafts villa. The listing description makes reference to a number of external and internal features. Part of the proposal includes the extension, part demolition and renovation of the LB and its sub-division to form two residential dwellings. An associated application for Listed Building Consent<sup>1</sup> was granted by the Council on 21st August 2017. The site falls within the Newcastle Hill Conservation Area (CA). The Council's position is that the works to the LB and the materials to be used are acceptable as permitted under the corresponding Listed Building Consent.

<sup>1</sup> P/16/611/LIS

The Council are also satisfied that the retention of the kitchen garden to the rear of the LB and the subdivision and internal layout of the proposed unit within the building seek to preserve and enhance the character of the LB. There is no evidence before me that leads me to any other conclusions in this regard. I am therefore satisfied that the proposed development would preserve the features of special architectural and historic interest which the building possesses and its setting consistent with the requirements of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The Council concludes that the proposed new dwellings would be set amongst a number of trees and as such their impact on the setting of the LB and CA would be limited. On the basis of the evidence before me, I agree. Having regard to the special duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the character and appearance of the CA would be preserved.

### **Procedural Matter**

5. The appellant has submitted a Unilateral Undertaking which conforms to the requirements of section 106 of the Town and Country Planning Act 1990 (as amended) and has been properly completed. This includes a financial contribution of £6580 in relation to open space provision. I consider that the amount proposed is directly related to the development and is fairly and reasonably related in scale and kind. The Council has confirmed that this enables the development to accord with the requirements of policy COM11 of the Local Development Plan and there is nothing before me to suggest I should question this position.

### **Reasons**

6. The appeal site is located approximately 1 kilometre from Bridgend town centre and covers an area of approximately 1.48 hectares. The site is bounded to the south by Park Street which provides the existing access. The site comprises the LB; a main house, former coach house, and adjacent single storey buildings. The buildings are vacant and in disrepair.
7. The application seeks permission to convert and renovate Coed Parc into two dwellings including extension, alteration and part demolition works and the construction of 13 new dwellings with new access, landscaping, parking and associated works and the conversion of the existing coach house to a ground floor garage and first floor office to be used ancillary to the residential use of one of the dwellings within the LB. The site is located within an established residential area. The principal of residential development at this site is considered acceptable by the Council as the site is located within the settlement limits of Bridgend and is allocated for 20 units within the Bridgend Local Development Plan (2013) (LDP). The evidence refers to the Coed Parc Development Strategy (2011) which was intended to set a framework within which a high quality redevelopment scheme could evolve.
8. The application proposes to retain the existing access from Park Street to serve four of the new dwellings and one of the converted dwellings within the LB. A new access is proposed to the side of the site, off Walters Road to serve 10 dwellings (9 new dwellings and one from the conversion of the LB) located at the northern section of the site.
9. The Council's decision notice relates to the proposed access off Walters Road. The concerns relate to the risk of vehicles reversing into Walters Road from the appeal site and the visibility for vehicles exiting Walters Road onto St Leonard's Road.

10. The Council's states that the development would result in vehicular reversing movements to or from the public highway creating traffic hazards to the detriment of highway safety. This concern relates to the area where Walters Road meets the appeal site. I note that the officer's report acknowledges that swept path diagrams were submitted with the application and that these demonstrate that larger vehicles such as HGVs, refuse and emergency vehicles can navigate Walters Road and it appears from the evidence that they already do so. The appellant's transport statement confirms that the proposal includes the provision highway improvement works including a turning area at this location. As such, whilst the proposal would result in the introduction of an increased number of dwellings which would be serviced by larger vehicles, the improvements proposed would address this and would also result in an improvement to the existing situation. Consequently, there would be no harmful impact on highway safety in this regard.
11. There are also proposals to widen the footway on Walters Road from approximately 1.5 to approximately 3 meters by paving the grass verge. It is intended that this will improve on-street parking provision by addressing the problem which I observed on site of vehicles parking partially on the footway and would also increase the available paved area for pedestrians. This would represent an improvement in pedestrian safety. These features can be secured by means of suitably worded conditions in the interests of highway safety.
12. Turning to the visibility available for vehicles exiting Walters Road into St Leonards Road, I note that the Council accepts that visibility to the north is satisfactory. The issue therefore, is visibility to the south and whether visibility at the junction would be so inadequate for the nature and volume of additional traffic movements that the impact on highway safety would be significant.
13. The appellant has calculated the 85<sup>th</sup> percentile speed of cars at this location to be 22.4mph. The Council state that the splay to the south of Walters Road should be measured to the kerbside and this would be a distance of approximately 16 metres and would fall below the guidance set out in Manual for Streets (MfS) table 7.1 which would require a visibility splay of 28m. However, the appellant suggests that if the splay is measured to the centre line, a splay of 34 metres would be achievable and would accord with the guidance set out in table 7.1
14. Using the guidance in MfS, where vehicles approaching from the minor arm from the left will not transgress the centre line of the main arm, the visibility splay can be measured from the centre line of the main arm. I am satisfied that due to the presence of double yellow lines along both sides of St Leonards Road that there would be no such need for a vehicle to cross the centre line when travelling north towards Walters Road. I thus conclude that adequate visibility can be achieved in accordance with the guidance in MfS.
15. Furthermore, the appellant's transport statement confirms a trip rate assessment was carried out and concluded that the forecast change in vehicle movements resulting from the proposed development is the same as the hourly variation in existing vehicle movements at the Walters Road/ St Leonards Road junction and therefore they conclude that the addition of 10 houses using this access would be neither significant or perceptible. Nevertheless, the Council states the development would result in a significant increase in vehicular movements although there is no quantitative evidence of projected trips, only a percentage increase of dwellings. This does not provide any quantitative insight into the intensity of additional highway use. I have taken into account the appellant's argument that the Development Framework anticipated that two or three dwellings would be accessed from a new connection from Walters Road,

however this is not determinative as the Framework did not amount to a detailed proposal. Notwithstanding this, the Framework anticipated that a secondary access would be required to serve some of the dwellings. Overall, I am satisfied that the development would not result in a significant increase in vehicle movements at this location.

16. Consequently, I am satisfied that the increase in traffic and available visibility is such that there would not be a significant detrimental effect on highway safety as a result of the development. As such the development would offer efficient access to road connections and maintains road safety in accordance with LDP policies SP2 and SP3
17. The appellant has also suggested including a raised table as a traffic calming measure at the Walters Road/ St. Leonard's Road junction in order to reduce the speed of traffic and thus the required visibility, however, for the reasons I have outlined above, this is not a necessary requirement.
18. I note also the appellant's representations that there have been no recorded accidents in the area and that the creation of a second access of Walters Road allows the access off Park Street to be largely unaffected. This, it is argued, preserves the setting of the LB and safeguards the protected trees on site. These factors, together with the highways safety improvements offered as part of the proposal are all factors which further weigh in favour of the proposal.

#### *Other matters*

19. A large number of objections and a petition have been submitted from third parties. The majority of concerns expressed broadly reflect those of the Council and have already been dealt with within this decision. Other matters raised include noise and light issues and overlooking and privacy, impact on foul drainage design of the dwellings, parking and the impact on residential amenities. The Council has addressed the issues relating to overlooking and privacy within the officer report and concluded that due to the site levels and separation distances involved, there are no concerns in relation to overlooking and privacy. As such, the Council's requested condition removing permitted development rights for additional windows to avoid the privacy of occupiers of nearby dwellings is unnecessary. I have taken into account all matters raised, however these have not affected my overall conclusions as set out.

#### **Conditions**

20. Other than those conditions already addressed within this decision and other than the standard commencement and compliance with plans conditions I have also imposed conditions relating to details of finishes, boundary treatment, landscaping (including refuse storage) and finished ground levels. These are necessary in the interests of securing a good quality design to safeguard the visual impact of the development. A condition in relation to surface water drainage is required in order to ensure the proper drainage from the development. A number of conditions have been imposed removing certain permitted development rights. These are required to ensure the setting of the listed building is protected. Given the number of protected trees within the appeal site, a condition is necessary to safeguard these trees during the construction phase. A number of conditions have been imposed relating to the provision of a turning area, car parking spaces and access arrangements. I have imposed a condition for a scheme to be submitted to the Council for footway widening along Walters Road, this will allow for the legal and physical works to be agreed between the parties. These conditions are necessary in the interest of highway safety.

Finally, a condition requiring a construction management statement is necessary in the interests of residential amenity.

21. The Council has requested a condition requiring a certificate from a consulting engineer certifying any retaining walls, however, this will be covered by other legislation so is not necessary as a planning condition. The Council has requested conditions relating to the visibility splays at Park Street however as this entrance is already considered adequate in terms of visibility by the Highways authority, this is not necessary.

### **Conclusion**

22. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
23. For the aforementioned reasons, and taking into account all matters raised, I conclude the appeal should be allowed.

*Janine Townsley*

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: AR900002 – Site Layout Plan; Transport Note 2; AR060001, AR060002; AR060003; AR60004; AR61002; AR61003; AR062002; AR062003; AR062003; AR062004; AR062005; AR900008; Supplementary Note and Transport Note, Bat Survey, Ecological Assessment, Tree Survey, Heritage Statement, Flood and Drainage Report, Archaeological Assessment and Highway Technical Report.
- 3) Prior to the construction of the extension and dwellings hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the extension and dwellings 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) Prior to the construction of the extension and dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved in before the buildings are occupied.
- 5) No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a period for its implementation; and
  - iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Notwithstanding the provisions of schedule 2, part 1, classes A, B, C, D and E of the Town and 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 development shall be carried out other than those expressly authorised by this permission.
- 7) Notwithstanding the provisions of the Town and 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 building, structure, enclosure, fences, gates or walls shall be erected within the curtilage of any dwelling house hereby permitted.
- 8) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
  - ii) earthworks showing existing and proposed finished levels or contours;
  - iii) means of enclosure and retaining structures;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
  - vii) water features.
- 9) The landscaping works shall be carried out in accordance with the approved details during the first planting season as per the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.
  - 10) Prior to the commencement of development, details of the existing and finished ground levels shall be submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.
  - 11) No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of existing trees. The approved scheme shall be carried out during any works of demolition and throughout the course of the development.
  - 12) Notwithstanding the submitted details, a scheme for the provision of a vehicle turning area and visitor parking on the private drive serving plots 2, 3, 4, 5 and 15 shall be submitted to and approved in writing by the local planning authority. The turning area and proposed visitor parking space shall be completed in materials in accordance with the approved layout prior to the occupation of those units and shall be kept available for vehicle turning and parking in perpetuity.
  - 13) Notwithstanding the submitted details for the provision of 3 off street parking spaces each for plots 3, 4 and 5, the parking areas shall be completed in permanent materials with individual spaces clearly demarcated in permanent materials prior to the occupation of those units and shall be kept available for vehicle parking in perpetuity.
  - 14) Details of all parking places and driveways shall be submitted to and approved by the local planning authority. The parking places and driveways shall be completed in accordance with the approved details prior to the occupation of each dwelling.
  - 15) No development shall commence until a scheme for footway widening on Walters Road has been submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented prior to the development being brought into beneficial use.
  - 16) The extended access road from the new turning head at the eastern end of Walters Road serving units 6-14 including the turning head, passing place and visitor parking, shall be laid out in permanent materials in accordance with the approved layout prior to the occupation of those units.
  - 17) The existing vehicle gate on the access from Park Street shall be removed prior to the occupation of units 2, 3, 4, 5 and 15.

- 18) A scheme for the provision of a passing place sign and a sign confirming that the road serving units 6-14 is private, shall be submitted to and approved in writing by the local planning authority. The signs shall be erected in accordance with the approved scheme prior to the occupation of the dwellings and shall be retained in perpetuity.
- 19) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during demolition and construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works and;
  - viii) Hours restrictions for construction work