

REFERENCE: P/19/531/FUL

APPLICANT: Homestyle Care Ltd
Unit 10 Garth Drive, Brackla Industrial Estate, Bridgend CF31 2AQ

LOCATION: The White House, Briary Way, Brackla CF31 2PT

PROPOSAL: Retention of two storey extension with dormer addition, erection of a single storey extension and associated internal works

RECEIVED: 18 July 2019

SITE INSPECTED: 2 September 2019 and 6 January 2020

APPLICATION/SITE DESCRIPTION

DESCRIPTION OF PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a single storey extension at The White House, Briary Way, Brackla. The property is a residential care home run by Homestyle Care Ltd.

The extension will project from the northern elevation of the existing property and will measure 4.4 metres in width, 6.5 metres in depth and 3.5 metres in maximum height. It will have painted render elevations with a concrete tiled roof to match the host property with grey uPVC windows.

The extension will accommodate the addition of a bedroom and en-suite at ground floor level which will be accessed from the existing lounge. It is required to accommodate a ground floor level bedroom for the changing personal circumstances of an existing occupier whose current bedroom is at second floor level and is inaccessible, resulting in the occupier being moved to temporary accommodation in Porthcawl.

The planning application is supported by a letter from the Social Services & Wellbeing Directorate which reiterates the need to develop a ground floor bedroom for a resident, stating that *adapted ground floor facilities are essential*.

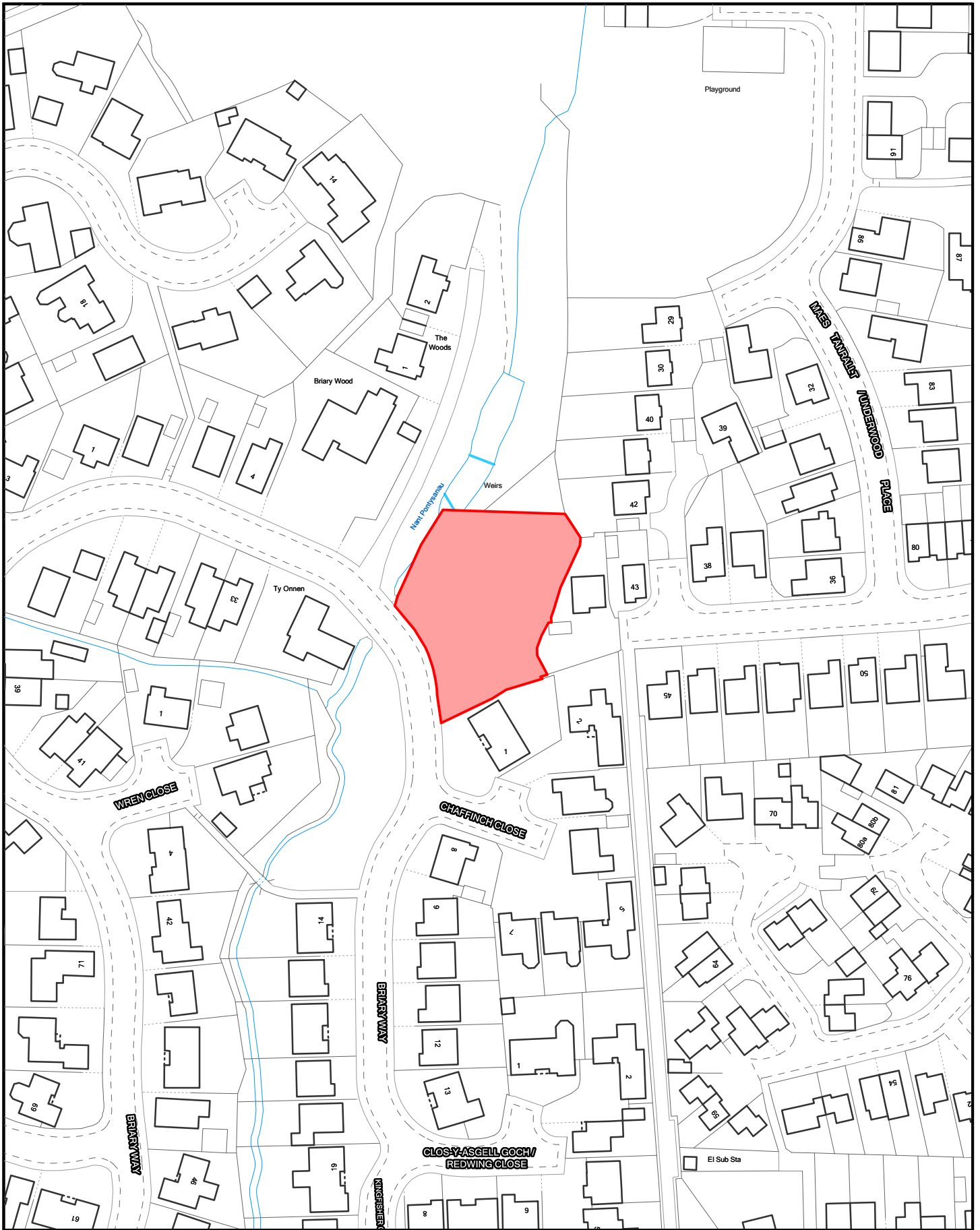
In reviewing the drawings submitted in support of this current application, it became apparent that there was some discrepancy with the previously approved and proposed plans as follows:-

- Drawing number 19.88 02 received on 18 July 2019 differed to approved drawing numbers HCL/15/06 and HCL/15/02C with the approved ground floor rebound room having been replaced with 'bedroom 7'.
- Drawing numbers 19.88 07, 19.88 09 and 19.88 08 received on 18 July 2019 also differed from drawing number HCL/15/05 approved under P/16/636/RLX as the single storey extension previously approved has been built as a two storey extension with dormer window addition.

The applicant's agent therefore revised the description of development to include the retention of two storey extension with dormer addition, erection of a single storey extension and associated internal works.

SITE DESCRIPTION

The application site is located within the Primary Key Settlement of Bridgend, as defined by Policy PLA1 of the adopted Local Development Plan (2013). It is accessed off Briary



Jonathan Parsons
 Group Manager
 Planning & Development Services
 Communities Directorate

Bridgend County Borough Council,
 Civic Offices,
 Angel Street,
 Bridgend,
 CF31 4WB

P/19/531/FUL

The White House
 Briary Way
 Brackla, CF31 2PT

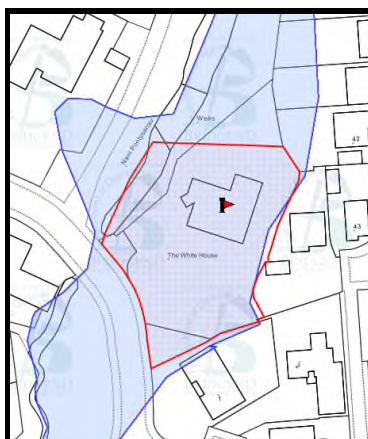
Scale: 1: 1,250
 Date: 08/01/2020

©Crown Copyright and database right 2019. Ordnance Survey 100023405.
 ©Hwffwrain a hawliau cronfa ddata? Goron 2019 Rhif Trefyddol yr Arolwg Ordnans 100023405.
 Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011.
 Copyright GeoImaging plc.
 Countryside Council for Wales, ©Crown Copyright and database right 2011.
 Ordnance Survey 100018813.
 Forestry Commission, ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

Way which lies adjacent to the south western boundary of the application site and comprises a detached, two and a half storey property with painted render elevations and a concrete tiled roof.

The property lies within an established residential area with properties of a varying size, character and appearance which are predominantly detached in substantial residential plots. The south western boundary of the application site is bordered by a white painted render boundary wall with large grey electric gate which is usually shut, except for users of the residential care home. The property is positioned in the centre of the plot on land which slopes sharply northwards and eastwards so that the adjoining properties in Underwood Place are set at a significantly higher level than the application site. A stream runs along the western boundary of the site which is bordered with a private driveway serving properties to the west.

Departmental records indicate that the application site is covered by Ogwr Borough Council's Tree Preservation No 06 (1988), as shown in blue below:



Tree Preservation Order

It is evident, however, that development of the area has significantly impacted on the protected trees so that there are now trees to the rear of the building together with a single tree within the forecourt area of the application site still covered by the Order. It also lies within a Site of Importance for Nature Conservation (SINC) known as 'Tremains', as identified within Policy ENV4(2) of the Local Development Plan (2013).

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/09/645/FUL	Proposed residential development (1 detached dwelling)	Conditional Consent	18/12/2009
P/11/405/FUL	Regularise the boundary wall (retrospective application)	Conditional Consent	08/08/2011
P/14/634/FUL	Retrospective application for treehouse	Unconditional Consent	24/10/2014
P/14/806/FUL	Two storey extension	Conditional Consent	14/01/2015
P/15/183/FUL	Change of use of existing dwelling to residential home and two storey	Conditional Consent	12/06/2015

extension

P/16/635/FUL	Single storey extension to residential care home (rebound room)	Withdrawn	16/09/2016
P/16/908/FUL	Regularisation of side extension ref P/15/183/FUL	Conditional Consent	17/02/2017
P/16/636/RLX	Relax condition 1 of P/15/183/FUL to allow up to seven residents in need of care at any one time	Refused (Allowed at Appeal)	14/11/2016

PUBLICITY

This application has been advertised through direct neighbour notification. A number of letters of objection have been received from the occupiers of six neighbouring properties in response to the consultation undertaken.

In response to the consultation procedures, Councillor Spanswick has requested that the planning application is presented to the Development Control Committee due to the complex history of the application site and the manner in which development at the property has progressed. It is requested that a full Committee site meeting is held to better understand the proposals and the potential impact on neighbouring properties and the highway.

REPRESENTATIONS RECEIVED & RESPONSE TO REPRESENTATIONS

Factors to be taken into account in making planning decisions must be planning matters; that is, they must be relevant to the proposed development and use of land in the public interest.

The first objection was received from the occupier(s) of 44 Underwood Place, Brackla. The objection states that *the design is not in keeping with the surrounding area and it looks like an afterthought*. Issues in respect of parking and noise have also been raised and the respondent considers that this commercial development cannot be supported in this residential area. These matters are addressed in the appraisal section of the report.

The second objection, has been received from the occupier(s) of 18 Bramble Close, Brackla, who has registered a request to speak if the application is referred to Committee.

In early comments on the submission it was highlighted that *no initial collaboration with either the Planning Department or engagement with other stakeholders in the local community* has taken place in respect of the proposed development. Although desirable, there is no requirement for developers to consult with neighbours prior to submitting a planning application for this type of development and whilst the concern is noted, it is highlighted that all relevant properties have been consulted correctly, in accordance with Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) and this matter is therefore considered to be addressed.

Concerns were raised about Section 5 of the Application Form which states incorrectly, that work has not started on the site, contrary to observations made by local residents. When undertaking a site visit on Monday 2 September 2019, no works had begun at the application site to implement the originally proposed development without planning permission. It was understood that internal works were undertaken at the property in July/August 2019 within the rebound room and therefore the matter identified in the letter

was raised with the applicant's agent. This resulted in the description of development being amended and revised drawings submitted to address the issue.

The objector refers heavily to the planning history of the application site and states that the reasons for refusal of planning permission reference P/16/636/RLX are still relevant as further development exacerbates the factors which justified the refusal of the previous planning application. The letter then specifically refers to the conditions imposed by the Planning Inspector (APP/F6915/A/17/3170739 refers) stating that any increase in the number of residents would be detrimental to residential amenity and highway safety.

Whilst the comments are noted, the reasons for refusal of a previous planning application have no weight in the determination of this planning application which relates solely to the erection of a single storey extension and retention of a two storey extension with dormer and associated internal alterations. Each application must be determined on its individual planning merits and in this case, the applicant has confirmed that the proposed development will not result in an increase in the number of residents accommodated at the property.

Notwithstanding the above, the Planning Inspector (APP/F6915/A/17/3170739 refers) considered that the property was capable of accommodating up to seven residents and whilst the property may currently accommodate four residents, permission is granted for up to seven. The number of residents who have permission to reside at the property is not being altered under this planning application.

The letter states that conditions relating to land drainage imposed upon previous planning application reference P/09/645/FUL have not been discharged. Whilst this condition has not been formally discharged, a review of the planning history of the site confirms that the Building Inspectors were satisfied with the drainage arrangements. It also refers to Condition 2 of planning permission reference P/16/636/RLX and states that the parking layout plan has not been implemented or complied with. This is not a matter to be considered as part of the current application but will rather be investigated separately by the Enforcement Officer and if necessary, appropriate action taken.

Whilst regard is given to the complex planning history of the application site, the planning application currently under consideration will be assessed on its own merits and the matters to be considered as part of the determination are addressed in the appraisal section of the report.

It is noted that this respondent has submitted a number of observations by email with the most recent communication received on 10 December, 2019 which is being considered as their final comments. In this email, disappointment is expressed that the application has been amended to include regularisation of works that have been undertaken without the benefit of planning permission as the objector considers this should be separately considered. Whilst this view is noted, regulations permit developers to amend the nature of the development during the processing of the submission and prior to its determination.

The response contains comments in respect of the Annual Performance Report relating to Planning Enforcement matters which are noted but are not relevant to the assessment of the planning application. Similarly the objector's assessment of the effectiveness of the planning process which permits developers to ignore conditions and regularise retrospectively are noted but not relevant to the assessment of this application. A separate response has been issued in respect of these matters.

The objector has referred to the erection of a picket fence just outside the two storey extension which is claimed to prevent parking in the space identified on the submitted

plan. During a site inspection undertaken on 6 January 2020, fourteen vehicles were parked within the site albeit that this parking arrangement did not allow for the all of the vehicles to independently enter and leave the site. With regard to the objector's query in respect of staff parking outside the premises on the highway, it was clarified, by the facility's manager, that some on street parking had occurred when the internal alterations to the building were being undertaken and whilst surfacing of some of the forecourt was completed. It is highlighted, however, that provided the appropriate number of parking spaces are provided within the site in accordance with the approved layout and the Authority cannot prevent the parking of vehicles on the public highway under planning regulations.

Other comments relating to procedures, transparency, delegated powers to officers in respect of enforcement matters and disappointment at perceived continuous disregard of planning conditions and neighbour concerns by the developer are noted but are not relevant to the assessment of the planning merits of this submission and there are alternative avenues that can be used to complain about procedural matters.

A third objection was received from the occupier(s) of 2 Briary Way, Brackla. Again, the letter refers to the complex history of the application site.

Reference is made about the inaccuracies of the Application Form submitted in support of the application, stating that Section 10 is misleading because the trees and hedges within the application site are protected by a Tree Preservation Order and Section 12 does not make reference to the Site of Importance for Nature Conservation (SINC) known as 'Tremains'. Whilst the comments are noted, the Local Planning Authority is aware that trees are present at the application site which are protected by Ogwr Borough Council Tree Preservation No 06 Order (1988) and that the site lies within a Site of Importance for Nature Conservation (SINC) known as 'Tremains'. The impact of the development on the SINC, Tree Preservation Order and protected species is addressed in the appraisal section of the report.

Concerns are raised about the scale of the proposal which are addressed in the appraisal section of the report. Concerns are also raised about the noise associated with the proposed development and the impact on residential amenity. It is considered that the noise associated with construction works will be of relatively short duration and will clearly need to take into consideration the existing occupiers of the Home and therefore the adverse impact on the wider community will not be so significant as to either warrant refusal or further control by condition.

The letter also refers to highway safety and stipulates that the 9 spaces currently provided are not enough to prevent cars parking on the street. As indicated above, the site is capable of accommodating more than the 9 spaces required by the condition imposed by the Inspector when allowing the Appeal in 2017, however, this matter is addressed in the appraisal section of the report.

The fourth objection, received from the occupier(s) of 1 Briary Way, Brackla, states that *further development is unnecessary and should not be allowed.*

It raises concern about the impact of the development on the Site of Importance for Nature Conservation (SINC) known as 'Tremains'. As noted above, the impact of the development on the SINC, Tree Preservation Order and protected species is addressed in the appraisal section of the report.

The impact of the proposed development on highway safety is referred to within the letter and it is stated that *since the family home was allowed to be extended and changed into a*

care home we have seen a significant increase in traffic. Whilst this comment is noted, planning permission is granted for the use of the property as a residential care home facility and the impact on highway safety has previously been assessed. The impact of the implementation of previous planning application reference P/16/636/RLX cannot be assessed as part of this planning application as there is no proposal to increase the number of occupants or staff at the property. Therefore, the matter is not addressed further in the appraisal section of the report.

Again, the letter of objection refers to works being undertaken at the site without planning permission. As noted above, during the site visit undertaken there were no evidence of works being undertaken to erect a single storey extension on the northern elevation of the property and therefore the matter will not be addressed further.

In response to the re-consultation undertaken following the receipt of amended plans, an objection has been received from 8 Briary Way questioning the need for the extension given that the number of residents occupying the property is restricted. The letter highlights concern regarding on street parking that occurs outside the property which the objector claims has serious implications on highway safety.

The occupier of Briary Wood, Briary Way has similarly questioned the need for the extension and advised that the car parking area within the site is not used but rather vehicles regularly park outside on the street. This practice is considered to have resulted in a number of minor road traffic accidents due to the proximity to the bend in the road.

As indicated above, the issue of parking is addressed in the appraisal section of the report and it is again clarified that the application does not seek to increase the numbers of residents above the seven permitted by the appeal decision in 2017.

A letter of support from a social worker on behalf of a client who has been resident at the premises but has been temporarily relocated due to deteriorating health but is hoping to return should the proposed ground floor facilities be approved.

CONSULTATION RESPONSES

CONSULTEE

COMMENTS

Ecology

26th July 2019

No objection subject to the inclusion of the recommended informative notes.

Public Protection

1st August 2019

No objection subject to the inclusion of the recommended informative notes.

Transportation, Policy
and Development

14th August 2019

Recommends the inclusion of planning conditions.

Land Drainage

21st August 2019

No objection subject to the inclusion of the recommended planning conditions and informative notes.

APPRAISAL

The application is referred to Committee at the request of a Ward Member and to enable Members to consider the representations received from local residents in respect of the application.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards
Policy SP4	Conservation and Enhancement of the Natural Environment
Policy ENV4	Local/Regional Nature Conservation Sites
Policy SP12	Housing

Supplementary Planning Guidance 02	Householder Development
Supplementary Planning Guidance 07	Trees and Development
Supplementary Planning Guidance 17	Parking Standards
Supplementary Planning Guidance 19	Biodiversity and Development

In the determination of a planning application, regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales Edition 10	
Planning Policy Wales TAN 5	Nature Conservation and Planning
Planning Policy Wales TAN 10	Tree Preservation Orders
Planning Policy Wales TAN 12	Design

SITE HISTORY

The property has been the subject of numerous planning applications and appeals which relate to the applicants attempts to develop the site as a residential care home facility.

Planning permission was initially granted on 11 June 2016 under planning application reference P/15/183/FUL for the 'change of use of existing dwelling to residential care home and two storey extension', specialising in care for autistic or similar needs on a full time, residential basis. Planning permission was granted subject to, inter alia, the following planning conditions:

Condition 1

The use of the property as a Residential Care Home shall accommodate a maximum of four residents in need of care at any one time.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the property.

Condition 4

Notwithstanding the submitted plans the two attic rooms shall be used solely to provide ancillary amenities and facilities for residents of the Care Home and shall not be used as sleeping accommodation at any time.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety.

Subsequently in 2016 planning permission was sought, under planning permission reference P/16/636/RLX, to 'remove condition 4 and relax condition 1 of P/15/183/FUL to allow up to seven residents in need of care at any one time'. The application was refused by the Local Planning Authority for the following reasons(s):

1. The proposal, by reason of its scale and location, represents an over intensive and inappropriate form of development that is not in keeping with the existing character of the building, which is likely to cause unacceptable harm to the character of the surrounding residential area. The application is therefore contrary to Policy SP2 of the Bridgend Local Development Plan (2013), advice contained within Technical Advice Note (TAN) 12: Design (2016), and advice contained within Section 9 of Planning Policy Wales (Edition 8, January 2016).
2. The proposal, by reason of the over intensification of the use, would have a detrimental impact on the residential amenities currently enjoyed by adjoining residential properties due to increased noise, nuisance and general disturbance contrary to Policy SP2 of the Bridgend Local Development Plan 2013.

An appeal was made to the Planning Inspectorate (APP/F6915/A/17/3170739 refers) and was allowed. The Planning Inspector concluded that *the proposed intensified occupation would be proportionate and in keeping with the character of the surrounding area* and that *there is no reason to believe that increasing the number of residents at the appeal property would cause undue noise or disturbance for nearby residents*.

The application now under consideration does not propose to increase the number of residents accommodated at the property and therefore the proposal will not result in an intensification of the use of the care home.

DESIGN

Policy SP2 of the Local Development Plan (2013) stipulates that “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located whilst having full regard to the natural, historic and built environment”. According to criterion (3) of Policy SP2, all development should be appropriate in scale, size and prominence.

Although Supplementary Planning Guidance Note 02 *Householder Development* (SPG02) relates to household development, it is considered that the principles are applicable in this instance.

The proposed extension is considered to be a modest form of development. Note 11 of Supplementary Planning Guidance Note 02 *Household Development* (SPG02) states that “the form, materials, and details of extensions and alterations should match or harmonise with those of the existing house”. The extension is designed to match the form of the host dwelling and will not detract from its character or appearance. It is therefore considered to be compliant with Note 11 of SPG02 as it is acceptable in terms of size and scale.

The extension is of an appropriate prominence. Given its position on the northern elevation of the existing property, its visibility from public vantage points will be minimal, and therefore its introduction will not detract from the street scene or the established character or appearance of the residential area.

The proposal is considered to be compliant with the guidance contained within SPG02 and is in accord with Policy SP2 of the Local Development Plan (2013). It is acceptable in terms of design.

NEIGHBOUR AMENITY

Given its position on the northern elevation of the property and that it is single storey, no concerns are raised which relate to neighbour amenity and the proposed extension is considered to be acceptable from an amenity perspective, in compliance with the guidance contained within SPG02.

ECOLOGY

As detailed above, the application site lies within a Site of Importance for Nature Conservation (SINC) known as 'Tremains', as identified within Policy ENV4(2) of the Local Development Plan (2013). According to Policy ENV4 of the Local Development Plan (2013), "developments which would have an adverse impact on these sites will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures".

The proposed development comprises work to a building in a largely urban environment whereby the condition of the building and adjacent street lighting reduces the likelihood of encountering bats. The Countryside Management Officer therefore considers that the building has negligible potential to act as a bat roost and therefore it is not reasonable to request additional surveys in respect of protected species in this instance.

The Countryside Management Officer recommends that that applicant is reminded of their legal requirement to consider wildlife on their development site and consider the provision of nest boxes for bat and bird species.

Subject to the inclusion of the recommended informative notes, the proposal is considered to be acceptable in terms of its impact on protected species, and is therefore compliant with Policy ENV4 for the Local Development Plan (2013).

PROTECTED TREES

The site lies within an area demarcated by Ogwr Borough Council's Tree Preservation No 06 (1988). The original extent of the trees protected by this Order has been shown in the plan included within the Site Description. It is clear, however, that the planning permissions relating to the earlier developments on the site have permitted the removal of a number of previously protected trees. It is evident from photographs taken during the site inspection that the proposed single storey extension will be sited on an existing hard surfaced area and does not impact on protected trees.

HIGHWAYS

The Transportation, Policy and Development Section raise no objection to the planning application as there is no intention to increase the number of residents or staff allowed on appeal under planning reference P/16/636/RLX.

It is recommended that the conditions imposed upon the previous planning consent (P/16/636/RLX) are imposed upon any planning consent granted to ensure no adverse impact from the development on highway safety.

LAND DRAINAGE

The Land Drainage Section has recommended the imposition of planning conditions and informative notes. Given, however that the proposed development will be constructed on an existing hard surfaced area, it is considered that there will be no increase in surface water discharges and foul water will be disposed of to the existing system. In the circumstances, the suggested condition is considered to be unnecessary and overall, the proposed development is acceptable from a land drainage perspective, in accord with criterion (13) of Policy SP2 of the Local Development Plan (2013).

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

The Well-being of Future Generations 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 comprising 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 well-being goals/objectives as a result of the proposed development.

CONCLUSION

The principle of the use of the property has been established through the previous planning consent and appeal decision. The works undertaken and proposed as part 4 of this application do not raise any significant issues in terms of amenity, design, highway safety or ecology. On balance the proposal is considered acceptable notwithstanding the objections received. Matters raised in respect of how the development has been determined or prior engagement with residents are not material to the determination.

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 use of the property as a residential care home shall accommodate a maximum of seven residents in need of care at any one time.

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

2. The development hereby approved shall not be brought into beneficial use until nine parking spaces have been laid out in permanent materials within the curtilage of the site in accordance with the approved parking layout plan (Drwg No 19.88.01 - Scale 1:500 received on 18 November 2019) with the spaces demarcated in permanent materials. The parking spaces shall thereafter be retained in perpetuity.

Reason: To ensure that adequate off street parking is provided in the interests of highway safety.

3. The premises shall be used for a residential care home for persons in need of care as described in the submitted supporting statement and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To enable the Local Planning Authority to retain effective control over the use of the premises in the interests of highway safety and residential amenity.

4. The development shall be carried out in accordance with the following approved plans 19.88.01,02,03,04,05,06,07,08,09,10.

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

5. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) 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.

(b) No surface water is allowed to discharge to the public highway.

(c) No land drainage run off will be permitted to discharge either directly or indirectly into the public sewerage system.

(d) The applicant is recommended to consider the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin and further information can be found on Page 55 Section 16.00 of SPG 19 Biodiversity and Development : A Green Infrastructure Approach. With regard to bats, it is considered that the incorporation of bat bricks, bat tiles and bat boxes into the development would provide summer roosting opportunities for bats and further information on this issue can be found on Page 46 Section 7.0 of the above mentioned SPG 19.

(e) The developer is reminded that trees within the site are protected by a Preservation Order and no works whatsoever should impact on these trees.

(f) The developer is advised to confirm that the methods of disposal of foul drainage and surface water disposal meet Building Regulations.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None