

**REFERENCE:** P/20/285/RLX

**APPLICANT:** Mr F & H Janes  
Land at Former Playground, Fountain Road, Aberkenfig CF32 0EW

**LOCATION:** Land at former Playground, Fountain Road, Aberkenfig CF32 0EW

**PROPOSAL:** Vary condition 1 of appeal decision A/18/3198111 (relating to P/17/891/FUL) to amend the approved plans to include a larger amenity block

**RECEIVED:** 16 April 2020

**EOT AGREED:** 17 September 2020

### **APPLICATION/SITE DESCRIPTION**

The application seeks to vary condition 1 of appeal decision A/18/3198111 (relating to P/17/891/FUL) to amend the approved plans to include a larger amenity block and revise the approved layout of the site on land at the former playground on Fountain Road in Aberkenfig,

A previous Planning application (reference P/17/891/FUL) was submitted in October 2017 for the change of use of the land for the siting of two static residential gypsy caravans together with the erection of a day/utility room, two touring caravans and a relocated access driveway. The application was refused by the Local Planning Authority on 12 February 2018 however, the subsequent appeal to the Planning Inspectorate (reference APP/F6915/A/18/3198111) was allowed on 20 July 2018 subject to conditions. The approved site layout is set out below:

**Figure 1 – Approved Site Layout under P/17/891/FUL**



The application now proposes a larger utility/day room building which has separate facilities to serve two separate families living on the site rather than a shared unit. The two families comprise 4 adults and 7 children. The application also proposes a revised site layout as a result of the proposed change to the amenity building.

Initially, the Local Planning Authority raised concerns regarding the proposed size of the amenity block as it was proposed to cover the entire width of the site with the two static caravans being turned 90 degrees to face into the site rather than face the road and

the touring caravans being repositioned within the site. On 2 June 2020 the applicant's agent submitted amended plans which proposed reducing the overall size of the amenity block by a third and retaining the static caravan located to the west of the site in its approved position, however it was still proposed to relocate the static caravan located to the east of the site rotated 90 degrees to face into the site rather than face the road.

The main elements to be considered therefore are:-

- The proposed new/replacement utility/day room would be sited in the same position on site but would have a greater width across the site;
- The static caravan located to the eastern side of the site would be turned through 90 degrees such that it would face into the site rather than towards the road;
- A total of 6 parking spaces would be retained on the amended layout as approved;
- The main vehicular access point from Fountain Road (B4281) and the internal access/turning road would remain as approved.

**Figure 2 - Proposed Site Layout:**



The proposal involves the provision of a larger building than approved which would provide separate facilities for the two families. Each of the units would have internal dimensions of 6.1 metres x 4.8 metres with the building having overall external dimensions of 13.5 metres x 5.8 metres (giving a total floor area of approximately 60 square metres). Heights to eaves and ridge heights would be 2.4 metres and 4 metres respectively.

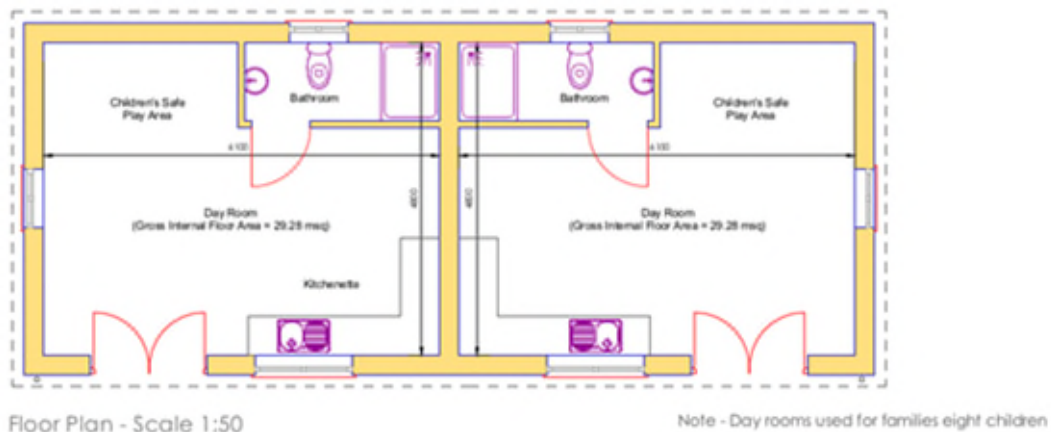
**Figure 3 – Proposed Elevations**



The building will be finished with a pitched black/blue natural slate roof and the external walls will be a mixture of rendered blockwork and stone, the stone being predominant on

the more visible front and side elevations. The doors, windows and guttering would be in black or white uPVC materials.

**Figure 4 – Proposed Layout of Day Room**



The adjoining units would be accessed via patio doors in each section and there would be 4 external light fittings. The building will be separated internally to create separate facilities for the two families which will include a kitchen area, bathroom and a children's play area.

As mentioned above, the main vehicular access point from Fountain Road (B4281) and the internal access/turning road would remain as approved as would a total of 6 parking spaces be retained as per the original approved plan.

The application site is located adjacent to Fountain Road approximately 1 kilometre from the settlement of Aberkenfig. The site is currently occupied by one static caravan and was formerly occupied by a play area. The site is located outside of any settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan 2013.

### **RELEVANT HISTORY**

P/17/891/FUL – Refused – Appeal Allowed (with Conditions) – 20 July 2018

Two static residential gypsy caravans together with the erection of day/utility room, two touring caravans and relocated access driveway

P/17/199/FUL – Refused 19 May 2017

Two static residential gypsy caravans together with the erection of day/utility room, two touring caravans and relocated access driveway

P/16/630/OUT – Refused 28 September 2016 - Appeal Withdrawn

2 self-catering single storey log cabin holiday let units

P/14/794/OUT – Refused – Appeal dismissed 13 July 2015

Erection of a two storey dwelling with access driveway and garage

P/14/605/FUL – Withdrawn

Erection of detached bungalow

### **RELEVANT POLICIES**

#### **Planning Policies and Guidance**

Adopted Bridgend Local Development Plan 2006-2021

POLICY SP2 – DESIGN AND SUSTAINABLE PLACE MAKING

POLICY SP3 – STRATEGIC TRANSPORT PLANNING PRINCIPLES

POLICY PLA1 – SETTLEMENT BOUNDARY AND URBAN MANAGEMENT

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE  
POLICY COM6 – GYPSY AND TRAVELLER SITES

**Planning Policy Wales:**

National Planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

**Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. Technical Advice Note 12 – Design is of relevance

**Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG) - SPG02: Householder Development is of relevance:

**Other relevant evidence or policy guidance:**

E.g. Circulars, Corporate documents, Technical Reports, DCLG guidance. Letters from Minister etc.

- Manual for Streets 1 & 2 (Welsh Assembly Government, DCLG and DfT - March 2007);
- Housing Act (Wales) 2014;
- Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites;
- Welsh Office Circular 76/94 Gypsy Sites Policy and Unauthorised Camping;
- Welsh Government guidance “Designing Gypsy and Traveller Sites” May 2015.

**Well Being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven sustainable development (or wellbeing) goals/objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle” as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

**PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 20 May 2020.

A re-consultation was undertaken due to the submission of amended plans and this expired on 17 June 2020.

**CONSULTATION RESPONSES**

Transportation Officer (Highways) – no objection to the proposed development.

Land Drainage Officer – No objection.

Welsh Water Developer Services – No objection subject to standard conditions and advisory notes.

**REPRESENTATIONS RECEIVED**

Cllr J Radcliffe (Local Ward Member) – no objection to minor changes to the site but would not wish the development to become much larger or the site to expand to accommodate more people as this would be contrary to the condition attached to the original appeal.

6 letters of objection have been received from local residents in relation to the amended proposed development and layout. The concerns are summarised as follows:

- Proposed amenity block too big resulting in over-intensification of the site;
- Out of keeping and will affect the character of the area;
- Impact of noise and light as a result of the proposed development;
- Impact on privacy of neighbouring properties due to change in position of caravans and elevated site levels;
- Negative visual impact on the hamlet;
- Proposal will create less space inside the site for parking resulting in road safety issues;
- BCBC has no right to sell the land;
- Unfair to consult on such an application due to current COVID19 lockdown restrictions.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the concerns raised above are addressed within the appraisal section of this report however, the following is a response to two specific areas of concern:-

- Land ownership matters are not a material planning consideration.
- During the COVID19 pandemic, all reasonable steps were taken by the Local Planning Authority to ensure formal consultation was undertaken as per the normal Planning process and access to all the relevant information was available for viewing on the Council's website. Anyone who was unable to access the plans online was able to contact the Case Officer directly to discuss the matter further.

### **APPRAISAL**

The application is referred to Committee for consideration due to the number of objections received from local residents.

The main issues to consider in this application are the justification of the development, the proposed scale, design and materials and impact on the character of the street scene and wider area, impact on the neighbouring amenities, drainage and highway safety.

Members are advised that the principle of the development for the use of the site as a 2 pitch gypsy site was approved on appeal by the Planning Inspectorate under the previous application P/17/891/FUL and therefore, the assessment of this application relates solely to the increase in size of the approved amenity block and, as a result of this change, a revised arrangement to the approved layout of the site.

#### Justification for the proposed development

In view of the applicant's family circumstances, a larger utility/day room building which has separate facilities for each of the two families rather than a single shared unit is required and is now proposed. The two families consist of 4 adults and 7 children and the proposed change results in a revision of the wider layout of the site.

The amended site layout has regard to the national guidance set out in 'Designing Gypsy and Traveler Sites'. For example, it takes account of the particular requirements of the applicants and to the type and location of facilities to be accommodated (paragraphs 3.8/3.9/3.37), ensures a degree of privacy for on-site residents (paragraph 3.10) and maintains landscaping/trees (paragraph 3.13/3.14). Paragraphs 4.1-4.7 relate to children's play areas and explains that the type of provision depends upon various factors,

such as the size of site. In this case, as the site is relatively small it is designed to accommodate two families and the proposed type of provision is considered to be appropriate.

Accordingly, it is considered that the proposed changes are justified and accord with Policy ENV1 and COM6 of the BLDP (2013).

#### Proposed scale, design and materials and Impact on the character of the street scene and wider area

The overall number of residential pitches on the site is to remain unchanged but with a re-arrangement to the various elements on site. The size and scale of the proposed utility/day room facilities building would be increased from 41.34 sqm to 60 sqm but it would remain single storey in form, sited in the same position and fit within the overall development site parameters. The repositioning of the static caravan to the east of the site is considered to reduce the overall bulk and mass in terms of its visual appearance from the public highway.

The vehicular access and traffic implications would remain largely unaffected. The site would still be of a suitable size to allow for the planned number of caravans, single utility/day room block and parking and amenity/place space for residents around the site.

The proposed changes are still wholly within the confines of the site parameters and with the additional landscaping proposed to boundaries, the development would remain well screened to the sides and rear. The overall approved landscaping scheme for the site would not be compromised and there is extensive woodland beyond the site to the rear.

Whilst the site is (and would still be) visible from the road, it is considered that the additional development proposed (size of utility/day room building) and the re-arrangement of the site layout would not result in the development being unduly visually intrusive or materially detract from the street scene having regard to the approved appeal scheme.

Each utility unit would be of a standard size and internal layout with the width of each unit being marginally wider than that previously approved under the appeal scheme. In effect, there would be two utility units rather than a single utility unit on site but in the form of a shared building. Whilst arranged in a different way, the overall size and design of the proposed building is considered to accord with the Welsh Government guidance set out in Designing Gypsy and Traveller Sites.

The proposed new and enlarged utility/day room building would present a greater built frontage of some 5.5m (being increased from 7.5m to 13m). However the buildings are still positioned at the rear of the site and they are only marginally closer to the road than on the approved layout.

In addition, the design of the proposed building has been revised to provide a faux 'barn conversion' type aesthetic with the incorporation of stone sections in the front and side elevations which is considered to result in an improvement to its visual appearance in this location. The revised site layout now proposes one static mobile home located to the east of the site which will be repositioned and rotated 90 degrees with the end elevation being set-back from the highway frontage by 6.5m. The second static mobile home will remain in its approved position, however, the touring space for pitch 1 would be sited further back into the site with two parking spaces being repositioned in front of the touring caravan and closer to the highway.



Whilst a greater part of the site frontage would be given over to the relocated parking, a significant proportion of the site would remain as open amenity space and/or substantially landscaped. As such, although this amended proposal would be more prominent, it is considered that it would not cause a significant visual intrusion or adverse change in the character of the street scene.

The amended scheme would be seen within the context of existing residential development particularly to the west. There would not be an intensification in the approved use and the revised scheme respects the existing site features, such as boundary trees and vegetation. Overall, the amended proposal is considered to be of an appropriate scale, form and detail for its context and would be acceptable in terms of its layout, pitches, facilities and landscaping in accordance with Policy SP2, ENV1 and COM6 of the BLDP(2013).

#### Impact on neighbouring amenities

With regard to the impact on the residential amenities of the existing neighbouring properties, it is considered that the proposed changes and re-arrangement of the site would keep the different elements away from the site boundaries. Although the positioning of the static mobile home to the east would be adjusted, the eastern common boundary to the residential property to the east, Cwm Llwyderw, would remain well screened by trees/vegetation. This dwelling is located to the south-east of the development site with part of its garden area to the east.

The property to the west, Fountain Bungalow, would remain separated by an open strip of land but additional screening will be provided along the site boundary which should mitigate any potential additional impact. Initially, concerns were raised regarding the re-orientation of the static caravan resulting in a number of windows facing Fountain Bungalow and the impact it would have on the existing bedroom window located within the side elevation of that property. From an inspection of the site, it was noted that the side bedroom window in question is located within the apex of the roof (see photo below) and therefore it is considered that there would be no adverse impact on the privacy this property currently enjoys as a result of the development due to its elevated position compared to the application site. Furthermore, from assessing the submitted plan, it is noted that the repositioned caravan would be located approximately 19m away from the side elevation of the property and separated by an access lane (see photos below).

***Figure 5 – Relationship of application site with Fountain Cottage***



N.B. The static mobile home located to the west of the site is sited in the approved location.

Accordingly, it is considered the proposed changes will not have a significantly adverse impact on the residential amenities that the neighbouring properties currently enjoy with particular reference to Fountain Bungalow and the revised scheme will not have a greater impact than the approved scheme. Therefore, the proposed development is considered to be acceptable and accords with Policy SP2(12) of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG02:Householder Development.

#### Drainage

The Council's Drainage Officer has assessed the submitted scheme and initially raised concerns regarding the lack of drainage information submitted for the site. However, on the 25 August 2020, the applicant's agent submitted additional drainage information, which includes a site plan which now shows a permeable surface, which was previously grass and a geo-cellular soakaway is also proposed for the day room surface water drainage. The applicant has also provided infiltration test results along with details of the proposed soakaway, which has been sized to accommodate a 1 in 100yr + 40% CC storm based on the infiltration test results which are considered acceptable and accord with Policy SP2(8) of the BLDP(2013).

#### Highway Safety

The Transportation Officer has assessed the submitted scheme and noted that the proposal seeks to increase the size of the Day Room which will result in the re-orientation of the static and touring caravans and that there will not be an increase in the number of static and touring caravans above the quantum approved.

As a result of the above, the Transportation Officer considers that the proposal will not increase the amount of vehicular traffic generated by the site on the local highway network and, as such, is acceptable and accords with Policies SP2(6) and PLA11 of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

#### Biodiversity/Ecology

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular:-

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning); and
- (e) the adaptability of ecosystems."

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



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

Given the nature of the development and the application site and the fact that extensive ground works have already commenced on site, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies."

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and is considered justified development which would not adversely affect the character of the existing street scene or wider area, prejudice highway safety, drainage, ecology, privacy or visual amenities nor so significantly harm neighbours' amenities.

The concerns raised by the neighbours are acknowledged, however, in this case and on balance, they are not considered to outweigh the other material issues connected to the development such as to warrant refusal on those grounds.

## **RECOMMENDATION**

(R53) That permission be GRANTED subject to the following condition(s):-

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

Site location Plan received on 16 April 2020;  
Amended Drawing Nos, 04d – AVH345(C) – Proposed Utility Block and 05c – AVH345(C) – Proposed Site Plan received on 2 June 2020;  
Drainage Details received by email dated 25th August 2020  
Drawing No. 1305-01 – Drainage Site Plan;  
Drawing No. 1315-02 – Proposed Drainage Layout;  
Drawing No. 1315-03 – Soakaway Details;  
Infiltration tests results – 1315 1315 – Storm Water soakaway calculations received on 25 August 2020.

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

2. The occupation of the site shall be limited to Gypsies and Travellers only as defined by Welsh Government Circular 0005/2018.

Reason: The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller and in order to ensure that the site is kept available to meet the needs of other Gypsies or Travellers in the future.

3. No more than one commercial vehicle per plot shall be kept on the land for use by the

occupiers of the caravans hereby permitted which shall not exceed 3.5 tonnes in weight.

Reason: In the interest of visual amenity and highway safety

4. No commercial activities shall take place on the land including the storage of commercial plant or material.

Reason: In the interest of visual amenity, neighbouring amenity and highway safety.

5. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a static caravan) shall be stationed on the site at any one time. Any caravans positioned on the site shall be capable of being lawfully moved onto the public highway without division into separate parts.

Reason: To protect the safety and free flow of traffic on the surrounding highway network and to protect public amenity.

6. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The external lighting shall be installed in accordance with the approved details and retained as such in perpetuity.

Reason: To protect the visual amenities of the open countryside and amenities of neighbouring properties.

7. Any entrance gates shall be set back not less than 7 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety

8. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of the site frontage at any time.

Reason: In the interests of highway and pedestrian safety.

9. The approved hard and soft landscaping scheme for the site shall be carried out in accordance with the approved details stated on Amended Drawing No. 04d – AVH345(C) - Proposed Site Plan received on 2 June 2020.

Reason: In the interest of visual and residential amenities.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried in the first planting and seeding seasons following its approval and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others or similar size and species. The planting and hedgerows shall be retained at all times.

Reason: In the interest of visual and residential amenities.

11. The approved scheme for the provision of an access drive, turning area and 6 off street parking spaces shall be carried out in accordance with the approved details stated on Amended Drawing No. 04d – AVH345(C) - Proposed Site Plan received on 2 June 2020.

Reason: In the interest of highway safety.

12. The proposed vision splays shown on Amended Drawing No. 04d – AVH345(C) - Proposed Site Plan received on 2 June 2020 shall be provided before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interest of highway safety.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background papers**

None