

**REFERENCE:** P/20/328/FUL

**APPLICANT:** Mr D Perry, 9 Lon yr Eglwys, St Brides Major CF32 0SH

**LOCATION:** Land at Broadlands House Broadlands Bridgend CF32 0NS

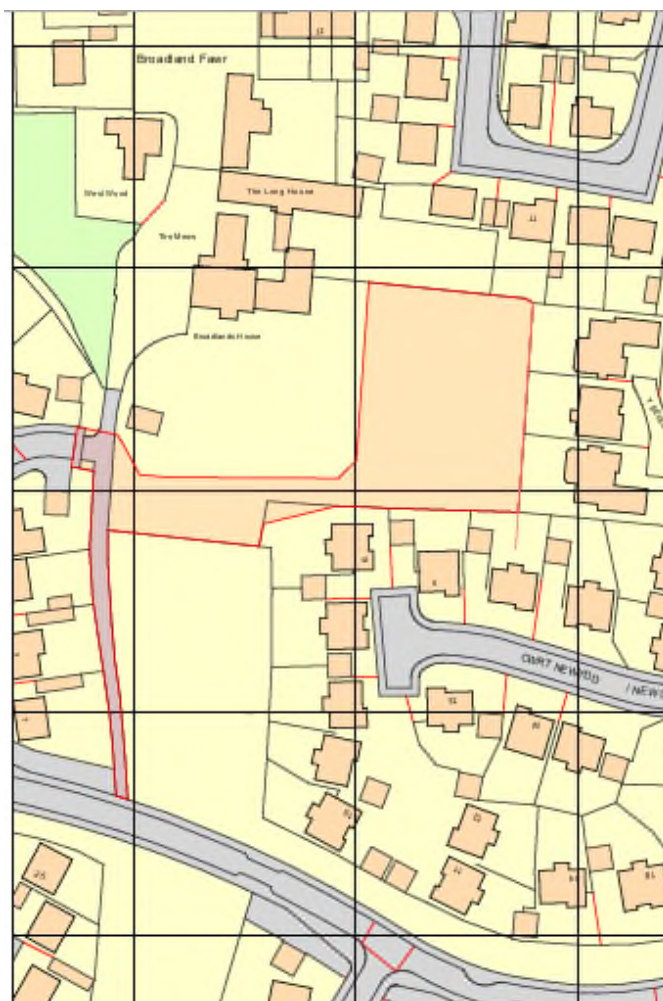
**PROPOSAL:** Construction of 3 detached dwellings (amended plans and information received 09/07/2021)

**RECEIVED:** 7 May 2020

**SITE INSPECTED:** 26 June 2020 & 04 August 2021

## **APPLICATION/SITE DESCRIPTION**

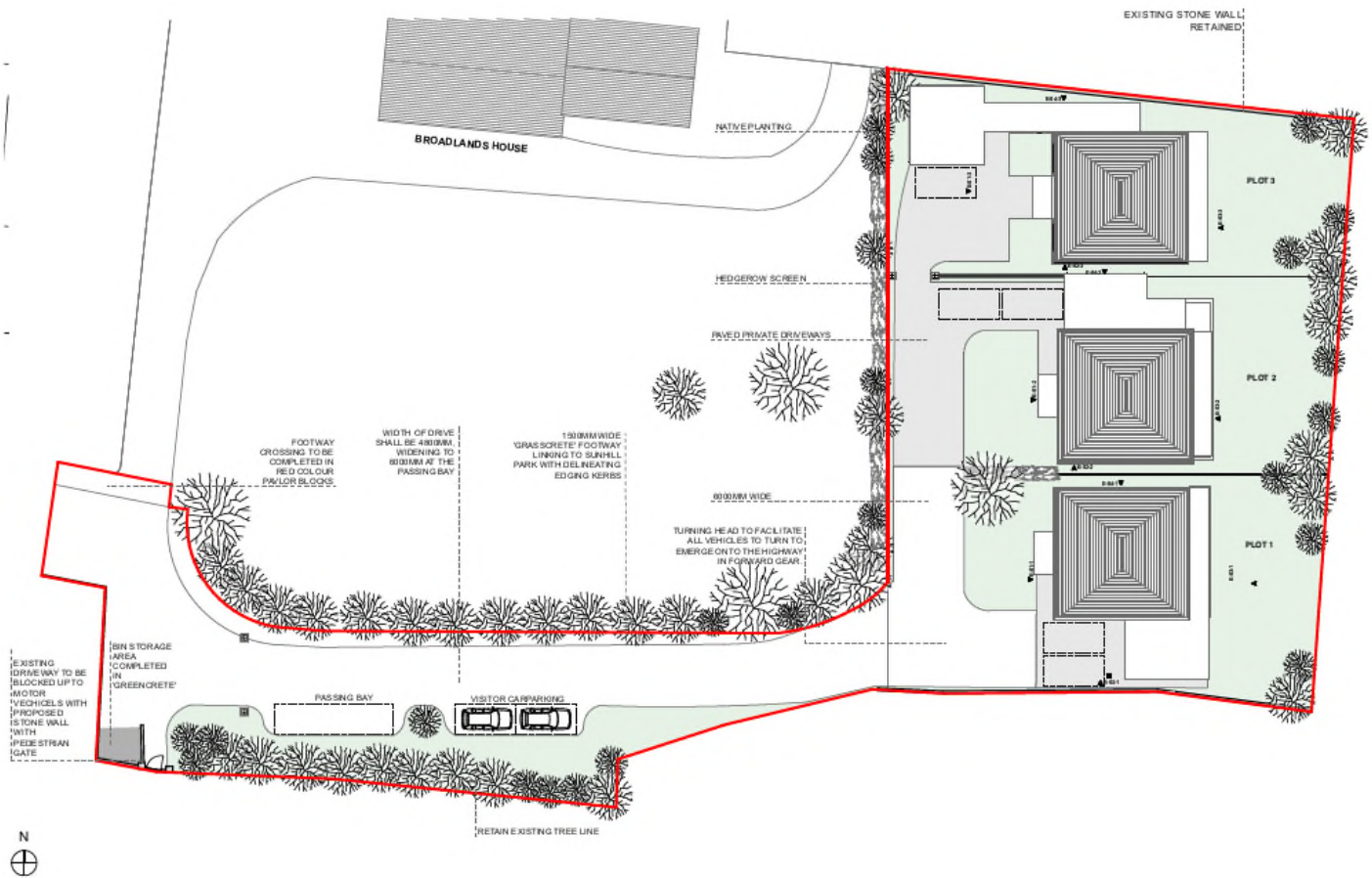
The application seeks full planning permission for the erection of three dwelling houses and associated works on land at Broadlands House, Broadlands, Bridgend.



**Figure 1 – Site Location Plan**

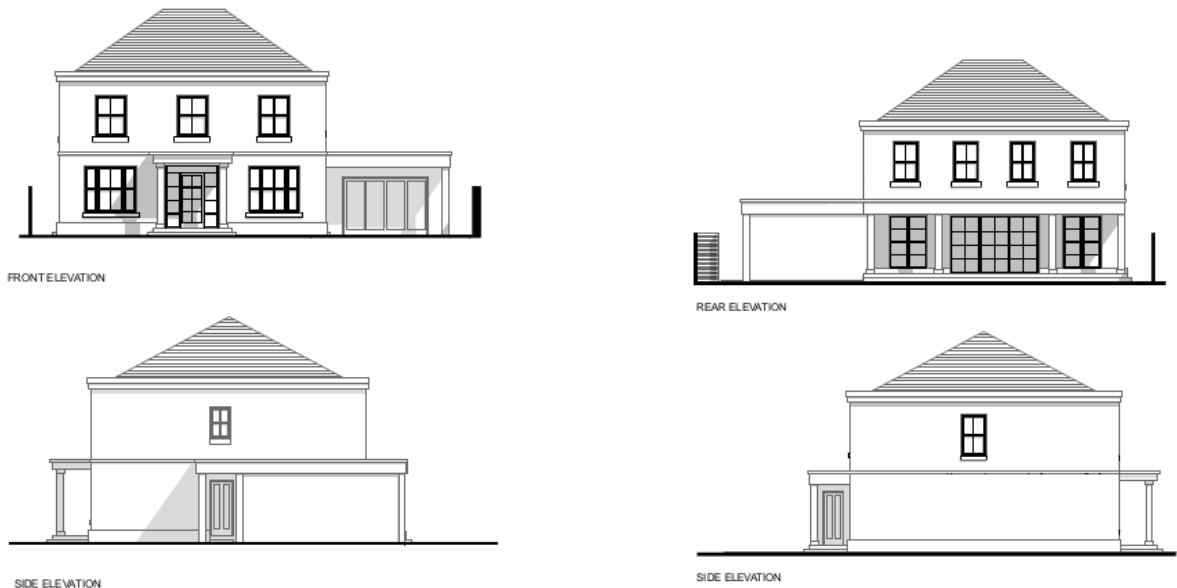
The proposal includes the development of three detached, 4 bed properties, on approximately 0.29 Ha of land which effectively borders the east of 'Broadlands House' and its garden and tennis court, and to the west of residential properties along 'The Orchard'. The development also includes a proposed driveway which would run south of the tennis court and link to the existing driveway of Broadlands house and into the cul-de-sac known as Sunhill Park. A pedestrian/cycle link only would be retained to the south western corner of the site linking towards the nearby children's park facility along Heol Blandy.

The supporting documentation and scaled plans indicate the three comparable houses would be erected in a linear fashion along the eastern aspect of the overgrown area associated with Broadlands House, a Grade II Listed Building, that is Listed for its special interest as a well preserved late Georgian House.



**Figure 2 – Proposed Site Layout**

The three comparable houses would approximately measure 10.3m by 10.7m with rear canopy structures and associated side garages although plot 3, the most northerly of the plots, would have a front garage. The dwellings, following significant negotiation with the Case Officer and Conservation Officer, would each have a Georgian style, symmetry and detail to reflect the nearby Listed Building of Broadlands House with associated rear amenity/garden spaces and car parking spaces. Soft landscaping and trees would be introduced and retained around the built development.



**Figure 3 - Proposed Elevations of Plot 1**



**Figure 4 – Proposed Street scene view**



**Figure 5 – Illustrative visualisation of the development from Broadlands House**

The application site comprises an irregular parcel of land largely to the east and south of Broadlands House, Broadlands. The site slopes gradually from the north to the south. It currently mainly comprises scrubland forming part of the garden amenity space of the adjoining Broadlands House.

The site is largely vacant although it is bounded by existing residential development to the north, east and south (Broadlands Housing Estate). A tennis court serving Broadlands House is located directly to the west of the proposed siting of the dwellings beyond which is further residential properties within Sunhill Park. There is a collection of trees and mature planting towards the southern – south/western boundaries of the site, although these are not protected under a Tree Preservation Order. The application site is situated within the residential settlement boundary of Bridgend as defined by Policy PLA1 of the Local Development Plan (LDP) 2013.



**Figure 6 – Photograph of the application site**

The planning application is supported by a:

Heritage Impact Assessment

Tree Constraints Plan/Survey

Ecology Report

And numerous Illustrations to accompany the scaled drawings and plans.

The Planning history of the site reveals that Outline planning permission for three dwellings at the site received a Committee Resolution to grant consent in November 2018 - subject to the signing of a Section 106 Legal Agreement (although this has yet to be signed (P/18/564/OUT refers)). Planning permission was previously granted in January 2008, to erect two residential plots at the site (P/07/1031/OUT refers). Permission has been refused however for the erection of a building to house supported living accommodation on the site (Planning applications P/16/423/FUL and P/17/698/OUT refer).

## **RELEVANT HISTORY**

P/18/564/OUT - Residential development for 3 new build dwellings – Resolution to Grant at Development Control Committee, 22/11/2018, subject to the signing of a S106 agreement (S106 yet to signed and the final decision issued).

P/17/698/OUT - Construction of up to 12 assisted living units (providing care for persons with learning disabilities) and associated works – Refused 01 February 2018.

P/16/423/FUL - 12 x 1 bedroom units & 2 x 2 bedroom units (14 total) for supported living - Refused 28 November 2016.

P/15/644/FUL – Erection of building to house 14 Supported Living Units – Withdrawn 22 February 2016.

P/07/1031/OUT – 2 Plots off Cwrt Newydd, Broadlands, Bridgend – Granted 18 January 2008.

## NEGOTIATION

The applicant was requested to revise the design and appearance of the development proposal to enhance the visual appearance of the development and to better reflect and respect the nearby Listed Building; and to reduce the scale and size of the dwelling buildings. The means of vehicle access to the site, following negotiation and discussion with the Council's Highways Officer has also been revised to access directly onto Sunhill Park (rather than directly behind properties on Sunhill Park via a narrow access lane).



**Figure 7 – Originally proposed design of the dwellings (now superseded)**

## PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 23 July 2021 (second consultation exercise)

## CONSULTATION RESPONSES

Welsh Water Developer Services - No objection subject to the imposition of standard conditions/advisory notes.

Building Conservation & Design Officer - No objection to the revised planning application.

Destination & Countryside Management - No objection following the submission of an Ecological Appraisal for the development.

Transportation Officer (Highways) - No objection.

Land Drainage Officer - No objection subject to the imposition of conditions. It is also advised the proposal would be over 100m<sup>2</sup>, therefore a sustainable drainage application will be required.

Laleston Community Council - Provided an 'in-principle' objection to the original

submission although provided no further reasons or details for the objection.

Shared Regulatory Services - No objection subject to condition/advisory notes.

(Public Protection:  
Land Contamination)

## **REPRESENTATIONS RECEIVED**

The owners/occupiers of Broadlands House, 1 & 2 The Long House and 15 New Court support the revised proposal/raise no objections with comments being raised that the scheme would enhance the area surrounding the Listed Building and improve the current outlook of the site.

Following the advertisement of the original application, objections to the scheme were received from the occupiers of 1, 3, 4, 5 Parc Bronhaul/Sunhill Park, 11 Cae Gwyllt/Wild Field and 1 Y Berllan/The Orchard. Following the submission of the revised plans, objections were raised against the scheme from the occupiers of 5 & 29 Parc Bronhaul/Sunhill Park, 1 Y Berllan/The Orchard, 11 and 12 Cae Gwyllt/Wild Field. An objection has also been received from a Mr and Mr Curtis although no contact details or home address were provided. The objections raised are summarised as follows:

### **Residential Amenity**

Any housing development should not obstruct light to the rear gardens of properties along Y Berllan/The Orchard.

The plan proposes the construction of 3 large detached properties in close proximity to a number of existing dwellings which are situated on 3 sides of the boundary to the proposed site. The subsequent construction of these new dwellings will have a materially detrimental impact on the outlook, privacy and provision of light for the existing dwellings.

The construction of the new dwellings will dominate and most definitely prejudice the amenity currently enjoyed by the existing properties.

The garden of 11 Wild Field is south facing with clear lines of access to open space and natural daylight. The proposed construction runs adjacent to and in parallel to the garden boundary and the siting of the proposed dwelling in such close proximity combined with its size and height will cause a significant loss of sunlight and natural daylight. As a result, the back garden will be shrouded in darkness throughout daylight hours. Further, the siting and scale of the new dwellings will cause the outlook currently enjoyed to become unacceptably closed in, effectively hemmed into a small space destroying the amenity currently enjoyed.

Any side windows would overlook the property to the north, 11 Wild Field, resulting in a total loss of privacy.

This application fails to meet the criteria of not compromising residential amenity in the areas of outlook, light and privacy.

Loss of light and privacy to 12 Wild Field with numerous windows looking toward this property from the new development. Proposed landscaping could potentially overshadow this property also.

It would appear somewhat contradictory to claim the application is being protective of residential amenity in respect of "a quiet environment" where an increase in the number of

dwellings in the proposed site will only serve to increase the amount of overall noise that will be generated from the people and vehicles that will move into these new dwellings.

In conclusion, residential amenity in respect of outlook, light and privacy is severely compromised and the proposed dwellings as per the current application will dominate causing significant and material adverse impact on local residents. A more sympathetic solution to this which may be acceptable to all parties is to amend the application to construct the dwellings on the opposite side of the open space adjacent to Broadlands House. This would allow the construction to take place while not compromising the amenity and quality of life for current residents.

The proposal would be detrimental to the current residents living in Parc Bronhaul/Sunhill Park, the environment and the local area.

Any rear lights on the properties should be down lights.

Also the noise of additional cars frequently passing especially when it is directly behind a garden fence will be unsettling for those with boundary fences or on a blind corner.

The disruption, noise, general mess of a building site and time span needed for such a project would be impractical and unfair on a well-established neighbourhood.

### **Visual Impact**

The application places significant emphasis on the fact that the new development will maintain and be in keeping with the heritage, Georgian style and character of Broadlands House. However, the proposed development is totally incongruent to all of the adjacent properties on the 3 boundaries to the proposed development and the character and style of the properties on the wider Broadlands development.

Loss of green area.

### **Boundary Treatments**

The development must incorporate appropriate boundary treatments and respect existing fencing and boundary hedges.

### **Access**

The use of the back lane during building and for the residents entry (behind Sunhill Park) will be disruptive as the lane runs directly alongside the properties rear, perimeter fencing. The site traffic will also pose a risk to the busy play park opposite.

The original plans for the properties to be built with access via Court Newydd were favourable to residents, as this poses less of a risk and less disruption.

Concerns regarding the additional traffic on a narrow street particularly while the development is being built.

Queries raised in relation to the means of access and why this has changed from Cwrt Newydd.

Parc Bronhaul is already a very busy road and the parking of vehicles is a big concern for residents without adding extra traffic to the daily problem.

Unsuitable access through Parc Bronhaul.

The road would certainly not be appropriate for construction traffic and additional utilities etc. needed for this project.

The proposed access for these new dwellings is via a very narrow lane which is not sufficient for manoeuvring a vehicle. The lane will have poor visibility for accessing Parc Bronhaul and vice versa which would be dangerous for all concerned.

### **Other Matters**

Collection of refuse from these new dwellings would be a difficult problem too.

Loss of trees and wildlife.

The development must benefit from appropriate drainage.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### **Residential Amenity**

The drawings highlight that the development of three dwellings could be appropriately accommodated on the site without seriously compromising the outlook, levels of privacy and levels of daylight received within neighbouring properties. The rear garden spaces of the proposed dwellings (that generally measure in excess of 10.5m in length) would satisfactorily offset the new buildings from adjoining plots that back onto the site along Y Berllan. Whilst the properties to the north of the site, including 11 & 12 Wild Fields, would experience a level of light loss and general loss of outlook from the rear of their properties this is unlikely to be so significant as to warrant a recommendation to refuse the planning application.

The side, relatively large garden space associated with the Long House (the occupants of which support the scheme) offsets the site from the direct boundaries of 12 Wild Field. Whilst the rear garden space associated with 11 Wild Fields directly adjoins the development site, the main two-storey element of the new dwelling would be set approximately 2.5m off the direct boundary and away from the neighbouring garden space with the rear garden space of the new dwelling largely adjoining the rear boundaries of 11 Wild Fields. As such, it is considered the properties along Wild Fields to the north would not experience such harmful loss of outlook or dominating impact to warrant the refusal of the scheme, with other properties in the locality having a close relationship with the immediately adjoining plots.

The one side window proposed at first floor level within the plot nearest to the neighbouring properties to the north of the site (plot 3), would serve a bathroom and could be conditioned to remain obscurely glazed in perpetuity to prevent any direct overlooking occurring.

Any construction noise and general disturbance, whilst inevitable for a development proposal of this nature, would likely be of a temporary nature and is not a justified reason to warrant the refusal of the planning application.

### **Visual Impact**

The application has been subject to significant negotiation and design considerations with the site considered to relate to the adjacent Listed Building rather than the more modern dwellings that face away from, and somewhat screen and hide the development site, from general public view points. The scheme is considered reflective and sympathetic to the appearance of the Listed Building and at the same time would not harmfully disrupt the wider character and appearance of the general houses on the wider estate that do exemplify much variety in their appearance and form.



The application site is a largely overgrown, poorly maintained former area of garden space associated with Broadlands House rather than a significantly valued area of public open space that has significant amenity value. Whilst the importance of maintaining space around properties and built form is acknowledged, in this instance, the loss of this green area is not considered a justified reason to warrant the refusal of the planning application. The planning history of the site also highlights residential development has also been supported on the site previously.

### **Boundary Treatments**

The detailed boundary treatments for the site would be appropriately controlled through condition should planning permission be granted in this instance. Maintenance issues surrounding existing boundary fencing around the site are private matters that are not considered material to the determination of this application.

### **Access**

The transportation and highway safety implications of the proposal have been fully considered by the Transportation Development Control Officer who raises no objections against the Planning application (subject to the imposition of conditions).

### **Other Matters**

The submitted plans illustrate a general refuse collection point would be created within the site near the western boundaries, with a recommended condition fully controlling the exact siting of such a collection point.

The Council's Ecologist has raised no objections to the scheme with the planning application being supported by an Ecological Appraisal and general tree survey (it is also noted that none of the trees within the boundaries of the application site are protected under a tree preservation order). Conditions are also suggested to ensure that appropriate landscaping is maintained and enhanced at the site.

Following consultation with the relevant drainage bodies, no objections have been raised against the application subject to the imposition of conditions should permission be granted for the development.

## **PLANNING POLICIES**

### **Local Policies**

The Development Plan for the area comprises of the Bridgend Local Development Plan 2006 - 2021 which was formally adopted by the Council in September 2013 and within which the following policies are of relevance:

- Policy SP1 – Regeneration Led Development
- Policy SP2 – Design and Sustainable Place Making
- Policy SP3 – Strategic Transport Planning Principles
- Policy SP4 – Conservation and Enhancement of the Natural Environment
- Policy SP5 – Conservation of the Built and Historic Environment
- Policy SP12 – Housing
- Policy SP14 - Infrastructure
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV8 – Heritage Assets and Regeneration
- Policy ENV15 – Waste Management in New Development

## Supplementary Planning Guidance

- SPG02: Householder Development
- SPG08: Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development: A Green Infrastructure Approach

## National Planning Policy

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 11, February 2021) (PPW) are of relevance to the determination of this application.

Paragraph 1.30 of PPW confirms that... *'Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications'*.

*All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.* (Paragraph 2.2 of PPW refers)

*The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.* (Paragraph 2.3 of PPW refers)

*Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.* (Paragraph 2.7 of PPW refers)

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *ensure that a post-Covid world has people's well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being. As society emerges from the pandemic the needs of communities must be recognised and the Planning system has a role to play in ensuring development is appropriately located to provide both physical and mental health benefits, improve well-being and help to reduce inequality.*

### Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009).
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007).
- Technical Advice Note 24 – The Historic Environment (2017)

### **Well-being of Future Generations 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.

### **The Socio Economic Duty**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

## **APPRAISAL**

The application is referred to the Development Control Committee to consider the objections raised by the residents of nearby properties.

The application seeks full planning permission for the erection of three detached dwellings within the overgrown front/side garden space associated with Broadlands House, Broadlands.

The key issues to consider in the determination of this application are the principle of the development, its impact on the character and appearance of the existing locality including the nearby Broadlands House (Listed Building), the impact on neighbouring properties, highway safety, land drainage and ecology.

### **Principle of the Development**

The application site is located within the designated settlement boundary of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 Residential Re-Use of a Building or Land supports the re-use of land within the urban area for small-scale residential development where no other LDP Policy protects the building or

land for an existing or alternative use. There is no specific or restrictive LDP policy associated with the application site. Residential properties surround the site and the use of the existing, overgrown and poorly maintained garden space for residential purposes does represent a sustainable and compatible use of the plot. The Planning history of the site further reveals that residential development has previously been granted on the site (P/07/1031/OUT refers) and more recently a Committee Resolution to grant consent for three dwellings in outline was also agreed (P/18/564/OUT refers) and the proposed residential use of the site is therefore supported in principle.

### **Visual Impact including the impact on the Broadlands House Grade II Listed Building**

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

The new development in itself, given the somewhat screened and secluded nature of the site, is unlikely to give rise to any significant adverse visual impact. Furthermore, the development proposal has been subject to significant negotiation and amendments to enhance the visual appearance of the scheme and ensure a sympathetic form of development that is reflective of the surrounding character and appearance of the area (particularly the Listed Building) is introduced in this instance.

Section 66 of the Listed Buildings Act 1990 places a duty on Local Planning Authorities (LPAs) to have special regard to the setting of a Listed Building in the determination of a Planning application.

The development would be sited in close proximity to a Grade II Listed Building, Broadlands House, which is positioned towards the north west of the application site. Consequently, it is important to consider the effect the proposed development may have on the Listed Building and its setting and, in this respect, Policy SP5 of the LDP is also relevant. This Policy states that development should conserve, preserve or enhance the built and historic environment of the County Borough and its setting.

The submitted layout plans for the development indicate an offset of approximately 29m would be achieved between the main, two-storey element of the residential buildings and the existing Listed Building, with the potential for landscaping at the site adding a further buffer between the plots. It is therefore considered that Policy SP5 of the LDP will not be compromised by the proposal. The existing Listed Building also occupies a relatively secluded position that is not overly visible from public vantage points with the proposal not significantly disrupting any particular views or the setting of the Listed Building.

The Council's Conservation Officer has no objections to the revised proposal. It is highlighted the application is accompanied by a thorough set of plans and a proportionate Heritage Impact Assessment. The architect has worked and negotiated extensively to deliver a considered scheme that would not detract from the setting of Broadlands House. The use of symmetry and reference to Georgian Regency architecture, expressed in a modern iteration, allows a visual design link to reference the adjacent Broadlands House. As the structures are new build, the use of uPVC Conservation grade windows is supported. The use of white throughout is also acceptable.

However, the visuals suggest the use of black or dark front door and side windows and dark or black windows on the ground floor of the rear elevation. This departure from a single consistent colour creates visual interest and is a welcomed alteration. Exact details of the window and door details, and the roof tiles for the development should, however, be

conditioned to ensure the finishing materials are to complete satisfaction. In respect of the landscaping of the site, any hedging should also be a native species and a planning condition would appropriately control this.

In view of the above, it is considered that there would not be any adverse impact on the Listed Building or its setting, and the scheme would not harm the existing visual amenities currently enjoyed in the locality of the development site.

### **Impact on Neighbouring Residential Properties**

In terms of the impact on residential amenity, it is considered that the three detached dwellings would not have a significant adverse impact on the residential amenities of the existing neighbouring properties. With due regard to the submitted drawings, the dwellings would be positioned with an acceptable offset from the rear elevations and associated garden spaces of nearby properties. A distance of approximately 21m would be retained from the rear elevations of the new dwelling units and the existing, main rear elevations of properties along The Orchard/Y Berllan that abut the east of the application site (with garden spaces of around 10.5 m or in excess of this figure being created for the new plots).

It is acknowledged that some of the proposed front windows within the new development would be afforded views over the front garden space and tennis court associated with Broadlands House, although this is a spacious curtilage that would also be separated from the proposed dwellings by the access road serving the new development and a level of boundary planting. As such, Broadlands House would not experience any significant loss of amenity or privacy as a result of the proposal.

The scheme is unlikely to raise any adverse overlooking, overbearing or overshadowing concerns given the separation distances involved and the characteristics of the site. Furthermore, existing high boundary treatments add a further degree of screening to the development site. Overall, it is considered that a satisfactory arrangement for the dwellings is being proposed that complies with Council guidance in terms of residential amenity protection (SPG 02) and therefore, the proposed development would be compatible with neighbouring residential properties.

In addition, given the size of the plot and the position and design of the access to the site, it is unlikely that the intensified use of the site for residential purposes would give rise to a substantial or harmful increase in the general levels of noise and disturbance to neighbouring residents, particularly as a result of increased traffic movements.

### **Highway Safety**

The Council's Transportation Officer has assessed the submitted scheme and raises no objections against the proposal. It is noted that the application has been significantly revised and negotiations have been undertaken with the applicant's highway engineer. This resulted in a number of revisions with regards to access into the site, the site layout, parking and the provision of active travel infrastructure. Notwithstanding the above revisions, there are a number of additional points that require refining, however, it is considered that these changes and refinements can be provided and secured via robust planning conditions.

The application site is located in a sustainable residential location close to transport links, cycle routes and local shops and services. As such, the proposal does not raise any concerns with regards to its connectivity to the wider highway network.

The original application sought to access the development from a substandard width access lane to the rear of Sunhill Park. It was considered by the Highway Officer that the

increased use of the lane as the primary vehicular access to the site as a whole would not be acceptable and would create reversing manoeuvres onto the main loop road of the west side of the Broadlands estate. It should also be noted that, as part of the original planning consent for Broadlands in the year 2000 (P/00/464/OUT refers), the existing substandard access lane should have been stopped up by the developer and this requirement was detailed as such on the consented and agreed plans. An extract from the relevant Committee report is detailed below:

*'The submitted plans also indicate that the existing track serving Broadlands House will be closed and grubbed up. A programme for the closure will be agreed between the developer and the property owner. A new access to the property will be created from Area 14' (now Sunhill Park).*

As can be seen from the above, the purpose built access from Sunhill Park was designed and built to accommodate vehicular movements into the Broadlands House complex. As a result it is considered that the access from Sunhill Park is of a sufficient standard and construction to accommodate the additional vehicle movements generated by the three proposed dwellings and does not raise any highway capacity concerns.

With regards to the access track which remains, despite the planning committee report acknowledging the closure of the access track over 21 years ago, it is considered by the highway authority that, rather than request the track be closed up, it could be better utilised as a traffic free active travel route to promote walking and cycling from this development and the Broadlands House complex as a whole and improve the sustainable transport credentials of the proposal in line with Welsh Government Policy.

As a result, a condition securing the active travel route in perpetuity is requested. Similarly, in order to meet the aims of PPW 11 and meet the Welsh Governments targets of net zero carbon a condition requesting electric charging points in each garage will also be required.

With regards to the access to the development from Sunhill Park and the internal layout of the site, the quantum of parking for the development has been provided as per the Council's adopted parking standards, however, the linear parking arrangement for plot 2 raises some concerns with regards to manoeuvrability and the potential to block access to plot 3. As a result, the applicant is requested to submit a scheme of parking for plot 2 to overcome these concerns through a recommended condition.

It is noted that the surface treatment for the internal access has been detailed in front of plots 2 & 3, whereas no detail has been provided regarding the surface from plot 1 to the access onto Sunhill Park. Whilst the first 10 metres from the adopted highway will need to be provided in permanent materials, if the remainder of the internal access road is to be considered a shared use road then the material will have to be agreed. Therefore, a condition requesting details of the surface treatments for the access road has been requested.

The submitted plans also detail a 1.5m grasscrete footway which starts opposite the access from Sunhill and reduces to nothing opposite plot 1. The usefulness of this path is not clearly understood as there are no dropped kerbs and the path could put pedestrians back onto the access road. In addition, it is considered grasscrete for a footway does not promote walking and can often be difficult to navigate for the visually impaired or residents using pushchairs or wheelchairs. As a result of the above concerns, the applicant is required to submit a scheme (controlled through condition) which removes the grasscrete path and creates a shared use route for the entire width of the access road.

Additionally, it is noted that the refuse storage is some distance from the adopted highway and difficult for the refuse operatives to access. Therefore, this should be relocated to a position closer to the adopted highway on Sunhill Park.

There are 2 small squares detailed on the submitted plans, located west of the passing bay on the access road and there is no key to indicate what these are for. It should be noted that if these are pillars to support locked gates into the development then this would not be supported by the highway authority as it could potentially lead to delivery and emergency vehicles reversing back out onto Sunhill Park to the detriment of highway safety. As such, a condition stipulating that no gates are to be erected between the access from Sunhill Park and the east of the visitor car parking spaces will be added to the recommendation.

Finally, in order to minimise disruption to the residents of Sunhill Park during the construction phase of the development, the applicant will need to provide a Construction Traffic Management Plan, detailing deliveries, contractor parking, material storage and wheel wash locations.

On the basis of the above and on the proviso the above detailed conditions are attached to any approved consent, the scheme is supported by the Highway Officer.

### **Land Drainage**

On the basis of the comments received from the various drainage bodies in regard to the proposal, the scheme is considered acceptable subject to the use of standard drainage conditions.

### **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<sup>st</sup> March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

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

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

The application has been supported with a Preliminary Ecological Appraisal that has been carefully considered by the Council's Ecologist, who has raised no objection against the planning application and generally concurs with the findings of the appraisal.

The report identifies that no Japanese knotweed or Himalayan Balsam was recorded to be present on site, and that whilst there would be some loss of a small amount of habitat and foraging opportunity, particularly with respect to nesting birds and reptiles, provided the mitigation measures, including clearance methodology, outlined in Section 5.0 of the submitted report are followed, the predicted impacts of the development on protected species and habitats will be negated. Clearance works should be undertaken outside the breeding bird season (March – September inclusive) where possible.

On the proviso the recommendations of the Preliminary Ecological Appraisal - Section 5 *Discussions and Recommendations* be included in the conditions of approval, and further details of any tree loss and landscaping/screening for the development is appropriately conditioned – the proposal raises no serious Ecology concerns. Advisory notes in respect of the introduction of suitable nest boxes for bat and bird species is also recommended.

Given the survey works undertaken and fully acknowledging the comments of the Council's Ecologist, 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.

### **Other Matters**

Policy SP14 of the LDP requires applicants to provide planning obligations or contributions if they are deemed necessary to offset any negative consequences of development. In terms of affordable housing the application falls below the threshold of Policy COM5 in relation to affordable housing. As a scheme for the provision of three dwellings, the proposal also does not trigger the need for an education contribution. The proposed development does not include the provision of open space on site. Policy COM 11 of the LDP requires the provision of satisfactory standards of open space from all residential developments at 2.4 ha per 1,000 people. BCBC's Outdoor Sport and Children's Play Space Audit (2017) indicates a deficit of equipped play space in the Bryntirion, Laleston & Merthyr Mawr ward and a deficit of outdoor sport provision in Bridgend. In order to comply with the Policy, a financial contribution will be sought towards children's play equipment and outdoor sport facilities, secured through a Section 106 Agreement. The equipped play contribution will equate to £470 per dwelling and the outdoor sport contribution will be £569 per dwelling. This equates to a total contribution of £3,117.

### **CONCLUSION**

Having regard to the above and in view of the substantial revisions undertaken to the scheme, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, including the setting of the nearby Listed Building, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the determination of the application, however, it is considered that, on balance, they do not outweigh the other material considerations in favour of the development, with the proposal representing an appropriate and compatible form of infill residential development within settlement limits and within an established residential area.



## RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to:-

i) provide a financial contribution for the sum of £3,117 (index linked) towards the provision of children's play equipment and outdoor sport facilities.

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting planning permission in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions:-

1. The development shall be carried out in accordance with the following approved plans (as amended) and documents, received 09 July 2021 :

Highways Site Plan - Draw. No. 00 105  
Proposed Floor Plans Plot 1 – Draw. No. 00 110-1  
Proposed Floor Plans Plot 2 – Draw. No. 00 110-2  
Proposed Floor Plans Plot 3 – Draw. No. 00 110-3  
Proposed Elevation of Site – Draw. No. 00 140  
Proposed Elevations Plot 1 – Draw. No. 00 141 -1  
Proposed Elevations Plot 1 – Draw. No. 00 142 -1  
Proposed Elevations Plot 2 – Draw. No. 00 141 -2  
Proposed Elevations Plot 2 – Draw. No. 00 142 -2  
Proposed Elevations Plot 3 – Draw. No. 00 141 -3  
Proposed Elevations Plot 1 – Draw. No. 00 142 -3  
Section 5 Discussions and Recommendations of the Phase 1 Habitat Survey and Scrub Assessment undertaken April 2021 by Excal.

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

2. Notwithstanding the requirements of condition 1, no development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

3. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

4. No development shall take place until details of the proposed floor levels of the dwellings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

5. Notwithstanding the requirements of condition 1, no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial use of any of the dwellings commencing.

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

6. Notwithstanding the requirements of condition 1, no development shall take place until full details of both hard and soft landscaping works have been submitted to and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme including full details of any trees to be removed at the site. Thereafter, all landscaping works shall be implemented in accordance with the approved details.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of five 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 of similar size and species.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

8. Notwithstanding the requirements of condition no.1, the first floor window opening positioned within the north facing, side elevation of the dwelling building known as plot 3 (facing the garden space of the Long House) shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the dwelling hereby approved (plot 3) and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

9. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of a cycle friendly access preventing vehicular access for the proposed active travel lane has been submitted to and approved in writing by the Local Planning Authority. The vehicle access preventative measures on the lane shall be implemented in accordance with the agreed details before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

10. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for permanently stopping up the existing access lane on the loop road and reinstating the vehicular crossing as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in

full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

11. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of 3 off street parking spaces and turning area for all plots has been submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall be implemented in permanent materials in accordance with the approved scheme before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

12. Notwithstanding the requirements of condition 1, no development shall commence until a scheme for the provision of a shared use surface for the access road and the relocation of the waste collection area has been submitted to and approved in writing by the Local Planning Authority. The surfacing and waste collection area shall be implemented in permanent materials in accordance with the approved scheme before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the provision of electric vehicle charging point connections in each garage has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be implemented before the development is brought into beneficial use and retained for electric charging in perpetuity.

Reason: To promote sustainable transportation modes.

14. Notwithstanding the requirements of condition 1, no gates shall be erected between the vehicle access from Sunhill Park and the immediate east of the visitor car parking spaces.

Reason: In the interests of highway safety.

15. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic 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 routing of HGV construction traffic to/from the site.
  - ii. The construction of the internal access road and passing turning place shall be completed before construction of the dwellings commences.
  - iii. the parking of vehicles of site operatives and visitors
  - iv. loading and unloading of plant and materials
  - v. storage of plant and materials used in constructing the development
  - vi. wheel washing facilities
  - vii. measures to control the emission of dust and dirt during construction
  - viii. the provision of construction traffic warning signage at the entrance to Broadlands House and Sunhill Park.

Reason: In the interests of highway safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy, highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.
- b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- c. The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
- d. The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- e. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- f. Any topsoil [natural or manufactured] or subsoil to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- g. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- h. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however, the responsibility for the safe development and secure occupancy of the site rests with the developer.
- i. Consideration should be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin - species which are declining in number due to a reduction in suitable nest sites. Further information can be found on page 55 section 16.0 in the following SPG: Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach (available on the Council's website).
- j. From 7 January 2019, new developments greater than 100m<sup>2</sup> of construction area or

2 dwellings or more require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:

<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None