

**REFERENCE:** P/23/753/FUL

**APPLICANT:** D2 Propco Ltd Millgrove House, Parc Ty Glas, Llanishen, Cardiff, CF14 5DU

**LOCATION:** 14 Park Street Bridgend CF31 4AX

**PROPOSAL:** Change of use from offices (use class B1) to House in Multiple Occupation (HMO) (use class C4) maximum 6 persons.

**RECEIVED:** 13 December 2023

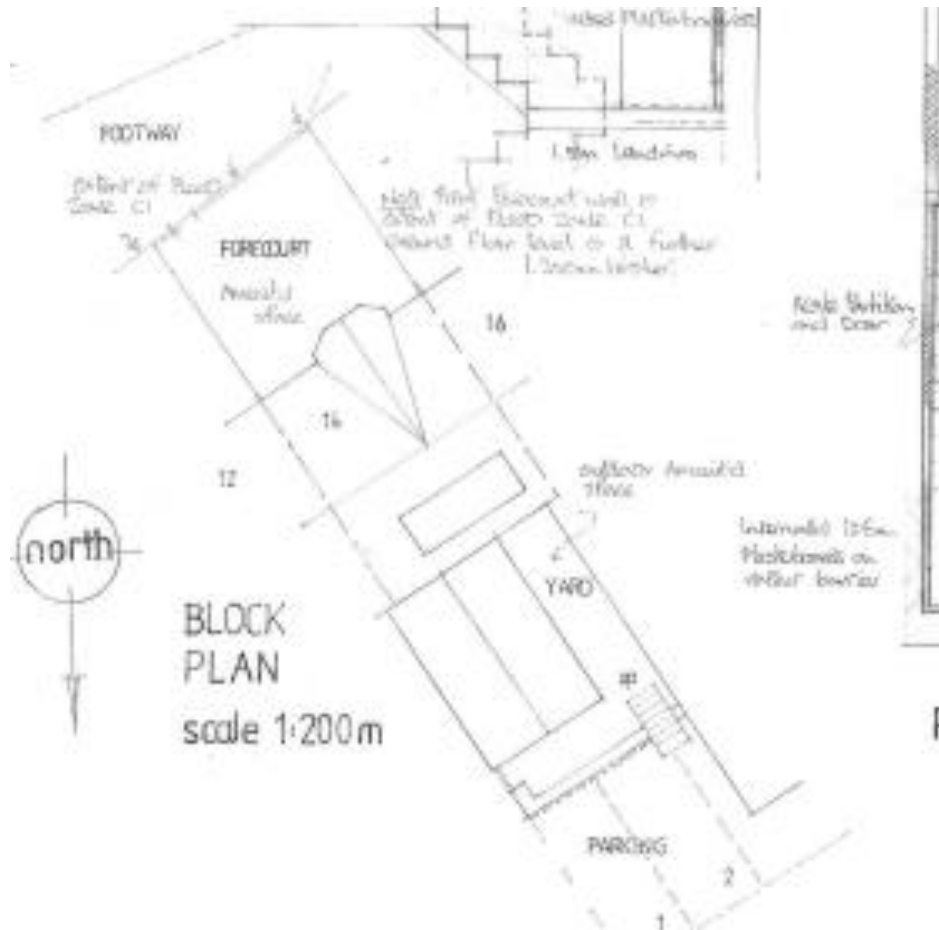
### DESCRIPTION OF DEVELOPMENT

The Applicant D2 PropCo Ltd is seeking planning permission for the change of use of the property from Class B1 (Office) to Class C4 (House in Multiple Occupation), as a six-bedroom unit with communal shared facilities at 14 Park Street, Bridgend.

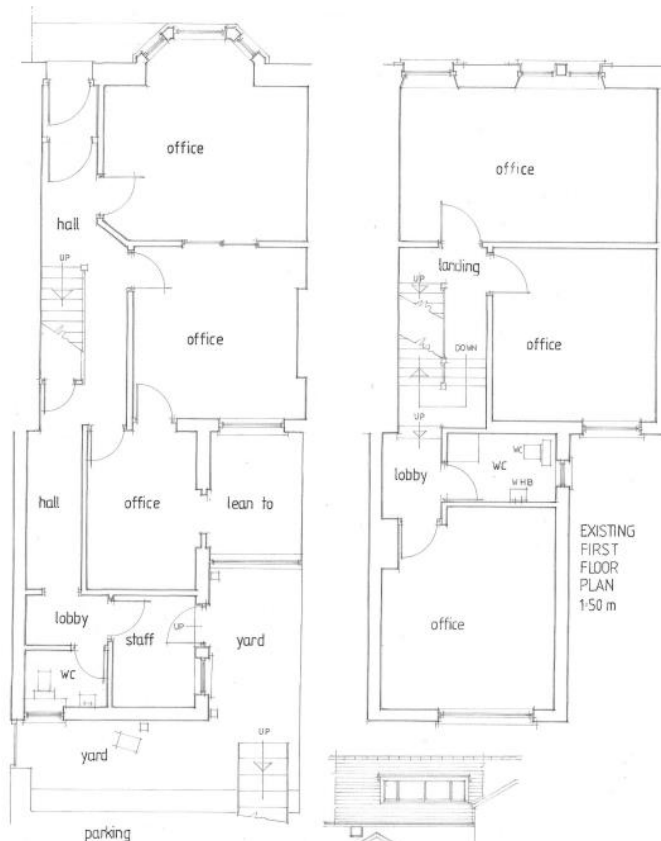
In general terms, Class C4 covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities (Houses in Multiple Occupation: Practice Guidance, March 2017).

The submitted plans show that the existing building will be altered internally to accommodate the change of use with one bedroom and communal living, kitchen, utility, and shower room on the ground floor, four bedrooms and a communal shower room at first floor level, and one bedroom in the loft space. A small lean-to at the rear of the building would be removed. There would be a shared outdoor amenity space/courtyard to the rear and side of the property, and the existing parking for two vehicles would be retained.

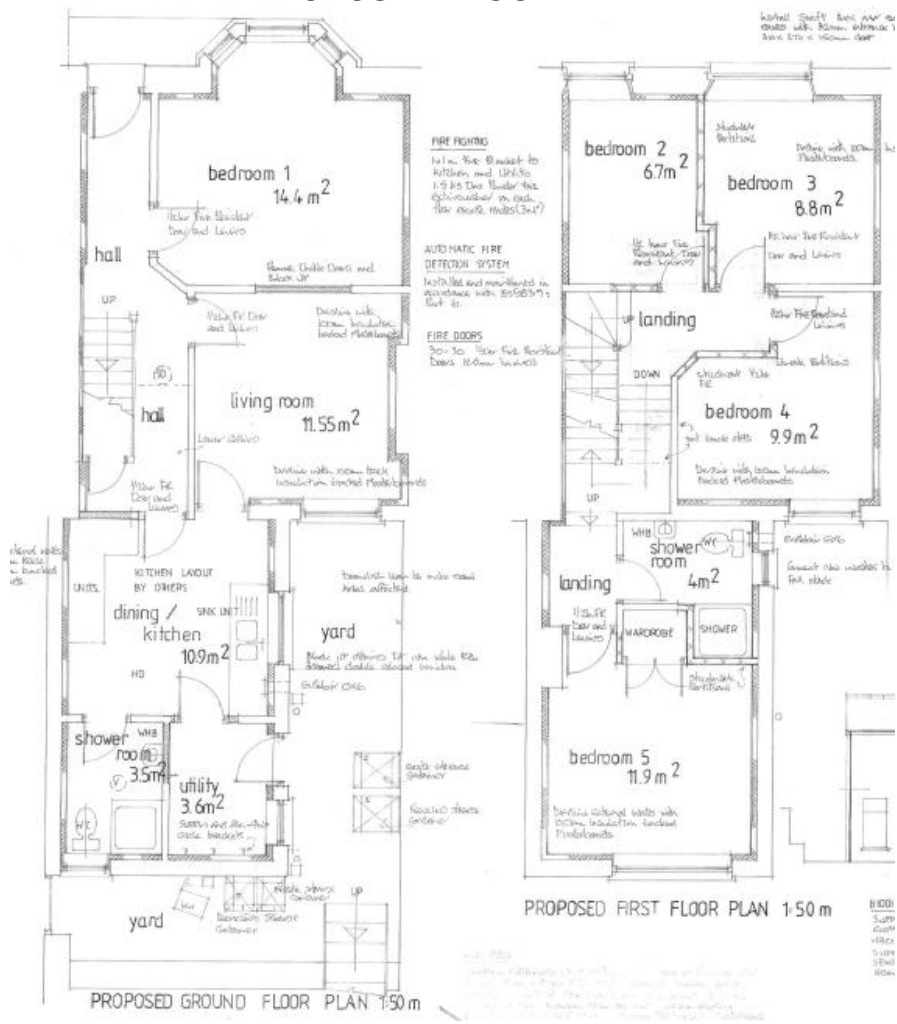
### PROPOSED BLOCK PLAN



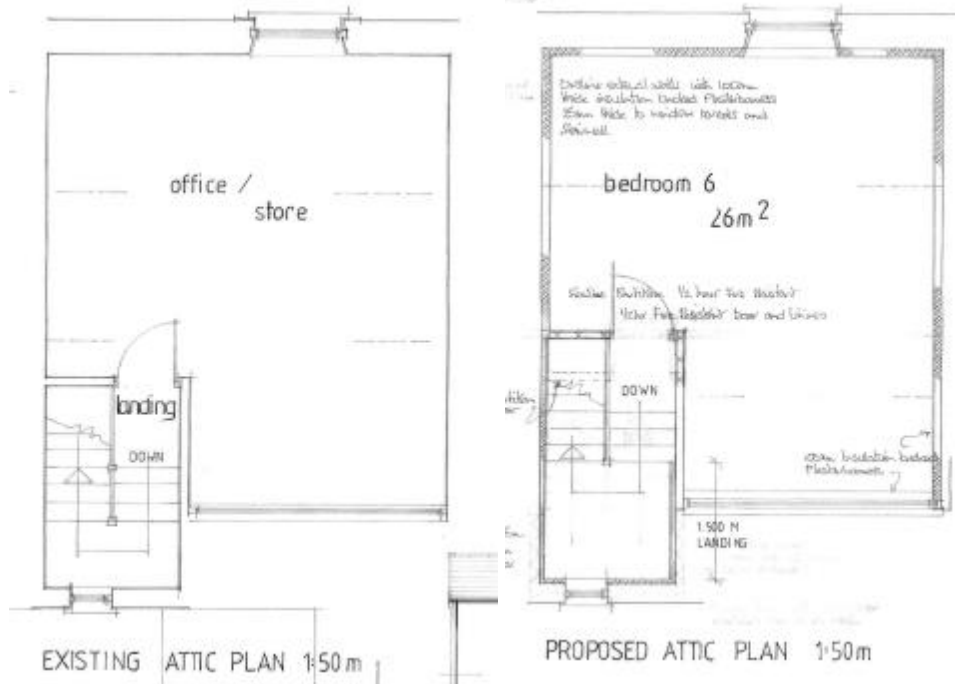
# EXISTING FLOOR PLAN



# PROPOSED FLOOR PLAN



## EXISTING & PROPOSED LOFT PLAN



Initially, the proposal included a small external alteration to the rear facing roof slope to enable the development of a compliant stair access to the loft bedroom. Following feedback from Building Conservation and Design Officers on the visual impact of this addition and its impact on the setting of the Conservation Area, this element has been omitted from the scheme.

### SITE AND LOCALITY

The Application site comprises a three-storey mid terrace property located at 14 Park Street in Bridgend. The building is Victorian in style and is mainly constructed of stone facing and rendered walls at the rear with slate roofs, with stepped accesses to the front and rear of the building. The site has a pedestrian access from Park Street and vehicle parking via a lane off Cae Dre Street to the rear.

The building is located within an area of mixed commercial and residential uses. The property to the immediate west at No. 16 Park Street contains a dental surgery, Beynons Dental. The property to the east at No. 12, contains a 6 bed HMO run by Wallich. Beside this at No. 10 Park Street, is the Wallich offices and drop-in centre.

The proposal is located within the primary key settlement boundary of Bridgend as defined by Policy SF1 of the Bridgend Local Development Plan (2024). It is located just outside of Bridgend Town Centre. It is in a highly sustainable location and within easy walking distance of the main bus and train stations located within Bridgend town centre. Figure 1 below shows the Application site.

The Application site is also located within the Newcastle Hill Conservation Area and subject to an Article 4(1) Direction removing permitted development rights.

**AERIAL PLAN SHOWING LOCATION**



**PHOTO OF FRONT ELEVATION OF 14 PARK STREET**



**PHOTOS OF REAR ELEVATION OF PROPERTY**



## **PLANNING HISTORY**

91/0154 – Change of use from office and Osteopathic clinic – Approved 07 March 1991.

## **CONSULTATIONS**

**Bridgend Town Council:** No objection.

**Shared Regulatory Services:** No objection.

**Highways Officer:** No objection subject to the imposition of conditions.

**Conservation and Design:** No objection.

**Dwr Cymru/Welsh Water:** Recommended advisories.

**Natural Resources Wales:** No objection. Recommended advisories.

**Land Drainage:** No objection.

## **PUBLICITY**

Neighbours have been notified of the receipt of the Application. The period allowed for response to consultations/publicity expired on 15 February 2024.

## **REPRESENTATIONS RECEIVED**

**Cllr S. Bletsoe:** Acknowledges the need for this form of accommodation. However, has raised concerns on behalf of residents and businesses over the proposed intensification of HMOs and flats in the area and their proximity to Wallich and the town centre. Antisocial behaviour. Requests that if approval granted that any construction work not disrupt surrounding businesses or residents.

**Cllr Wood:** Concerns raised by residents due to the over intensification of HMOs in the area and car parking issues.

One representation in support of the proposal was received.

Six letters of objection were received from residents of Cae Dre Street and Beynons Dental, who have made the following observations:

### Highway and pedestrian safety issues

- a) Inadequate on-site car parking proposed for a 6-bedroom HMO.
- b) On-street parking congestion and heavy demands placed on it by residents and visitors to the town centre and surrounding businesses.
- c) A resident's parking scheme has been requested for Cae Dre Street
- d) The access only limitations on the Cae Dre Street are not enforced.

### Air Quality Issues

- a) The immediate area is already subject to the Air Quality Management Area (**AQMA**) on Park Street. Any increased traffic due to the number of residents will add to the current air quality issues on Park Street resulting in stress and health issues.

### Residential Amenity issues

- a) The property will overlook private gardens to the rear.

### Other issues

- a) Over intensification of HMOs in the area, including No. 12 Park Street, the former Taffys Tavern and one other on the southern side of Park Street (*possibly No. 61*).
- b) The proposal considered unsuitable in a Conservation Area.
- c) Antisocial behaviour including noise and disturbance by residents of the Wallich HMO and visitors to the neighbouring office and drop-in centre.
- d) Use of and sale of drugs from the area to the rear of the Application property.
- e) Impact on property values.
- f) Proposed HMO would have no warden.
- g) Residents likely to have 'challenging needs', 'chaotic lifestyles' and property may be used for released prisoners.
- h) Negative impact on adjoining business due to verbal abuse and antisocial behaviour.
- i) Police have been called to attend incidents including drug use and anti-social behaviour.
- j) Proposed extension considered large and out of character.
- k) Insufficient space available at the rear of the property for builders and other contractors.
- l) Proposal considered contrary to Welsh Government's Future Wales legislation and Planning Policy Wales (PPW12) objectives.
- m) Not all residents of Cae Dre Street were notified of the Application.
- n) Residents including children would feel unsafe and there would be potential safety issues for residential properties.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### Highway and pedestrian safety issues

- a) The property is currently a vacant B1 Use (office) containing seven separate offices with 2 parking spaces at the rear. The proposed HMO would maintain the existing parking provision. All of the properties within this terrace have parking accessed off this lane currently. It is considered that the change of use would not substantially increase vehicle movements along the lane.
- b) The former office business could accommodate a significant number of staff, even greater than the proposed residents of a 6-bedroom HMO. Therefore, the previous use may have generated a greater level of traffic and carparking demand than the current proposal.
- c) The need for a local Residents Parking Scheme falls outside the scope of this application. However, the matter has been raised with the Council's Highways Authority.
- d) The enforcement of the Access Only restrictions on Cae Dre Street is not a material planning consideration but has been referred to the relevant traffic management team.

### Air Quality Issues

- a) In terms of the Air Quality Management Area, it is considered that an HMO occupation for 6 residents would not generate traffic over and above that of the former office use. Furthermore, this Application is in a very sustainable location in close proximity to Bridgend town centre where there are available facilities including a bus and rail service. As such future residents would be within easy walking distance to all these facilities and would not need to rely on car travel.

### Residential Amenity issues

- a) The proposal involves only one minor external alteration to the rear of the building, the removal of a small lean-to extension. As such, the relationship between

windows and habitable rooms and private garden areas to the rear would not change. As such the proposal would not have any unacceptable issues relating to overlooking over and above what already exists.

### Other issues

- a) Issues in respect of anti-social behaviour are ultimately matters for the police and the proposal, which is a residential use, is unlikely to result in such serious levels of anti-social behaviour as to warrant or justify the refusal of the planning Application. There is no compelling evidence to suggest that a small HMO use of the scale being considered would result in increased levels of crime or fear of crime within the locality of the Application site. The causes of anti-social behaviour and criminal activity are recognised to be diverse and cannot be attributed to any housing type alone, and it is considered that an appropriately managed, small scale HMO use, for a maximum of six people, would not cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the planning Application in this case.
- b) The Applicant is not providing supervised care therefore no warden would be accommodated on the property.
- c) The future occupants of this proposal are not a material planning consideration.
- d) Each application is determined on its own individual merits and assessed against National and Local planning policy. There is no evidence to suggest the area is oversubscribed with HMOs with only two others identified within a 50 metre radius.
- e) The proposal is located within the Newcastle Hill Conservation Area, As noted previously, the changes to the property are internal apart from the removal of a small lean-to at the rear of the property. The impacts of the proposal on the Conservation Area will be considered further in the assessment below.
- f) In terms of devaluing a home this is not a material planning consideration.
- g) Builders and other contractors will be required to utilise areas available on the site while works are carried out. This would include the carparking area located to the rear of the property.
- h) The relevant legislative and policy considerations will be discussed below.
- i) The applicant has submitted a valid planning Application. It is a statutory requirement of BCBC to determine the Application that has been submitted having regard to national guidance (in the form of the National Planning Policy Framework) and the local planning policies set out within the Local Development Plan. Furthermore, the Application has been advertised in accordance with the Town and Country Planning Development Management Procedure Order 2012 and the general public have had the ability to view plans and make comments on the scheme, which have been considered as part of the application process.

## **PLANNING POLICY**

### **National Planning Policy and Guidance**

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (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) Para 2.3 states ‘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.”*

At Para 2.7, it states “*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.*”

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.*”

PPW is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance: -

**Technical Advice Notes**, the Welsh Government has provided additional guidance in the form of Technical Advice Notes.

- **Technical Advice Note 5 – Nature Conservation and Planning (2009).**
- **Technical Advice Note 12 - Design (2016)**
- **Technical Advice Note 18 – Transport (2007).**

### **The Well-being of Future Generations Act (Wales) 2015**

The Well-being of Future Generations Act (Wales) 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.

**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.

### **Other Relevant Policies and Guidance**

Houses in Multiple Occupation – Practice Guidance: March 2017 (Welsh Government)

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan 2018-2033, and within which the following policies are of relevance:

#### *Strategic Policies*

- **Policy SP3:** Good Design and Sustainable Placemaking
- **Policy SP5:** Sustainable Transport and Accessibility

- **Policy SP6:** Sustainable Housing Strategy
- **Policy SP17:** Conservation and Enhancement of the Natural Environment
- **Policy SP18:** Conservation of the Historic Environment

*Topic based policies.*

- **Policy SF1:** Settlement Hierarchy and Urban Management
- **Policy PLA11:** Parking Standards
- **Policy COM6:** Residential Density
- **Policy COM7:** Houses in Multiple Occupation
- **Policy DNP6:** Biodiversity, Ecological Networks, Habitats and Species
- **Policy DNP9:** Natural Resource Protection and Public Health

### **Supplementary Planning Guidance**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance the following are of relevance.

- **SPG02** – Householder Development
- **SPG17** – Parking Standards
- **SPG19** – Biodiversity and Development

### **APPRAISAL**

This Application is to be determined at planning committee as there have been 6 letters of objection which have contained numerous concerns over the change of use of this building.

### **Issues**

Having regard to the above, the main issues to consider in this Application relate to the principle of development, together with the impact on the visual amenity of the conservation area, the amenities of neighbouring residents, biodiversity and highway safety.

### **Principle of Development**

The site is located within the main settlement of Bridgend within an established, residential area on the edge of the town centre as defined by **Policy SF1 Settlement Hierarchy and Urban Management** of the Bridgend Local Development Plan (**LDP**) adopted in 2024. Policy SF1 states that development will be permitted within the settlement boundaries at a scale that reflects the role and function of the settlement.

**Policy SP6 Sustainable Housing Strategy** notes that the LDP makes provision for 8,628 homes to promote the creation and enhancement of sustainable communities and meet the housing requirement of 7,575 homes for the Plan period, of which, 1,711 of these homes will be affordable. Development will be distributed in accordance with Strategic Policy SP1, based on the Sustainable Housing Strategy that will amongst other outcomes – *‘Support windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land’*. This strategic policy recognises the benefits of new residential development, including the reconfiguration of existing buildings and the re-use of vacant or under-utilised land.

The proposed site would classify as an appropriate site under Policy SP6 which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. Policy SP6 of the LDP and PPW 12 effectively supports the use of suitable sites for housing development as it can assist regeneration and at the same time relieve pressure for development on greenfield sites.

**Policy COM6 Residential Density** states that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. The policy notes that new housing developments must make the most efficient use of land in accordance with sustainable, placemaking principles and that good design must be utilised to maximise the density of development without compromising the quality of the living conditions provided, whilst making adequate provision for privacy and space around dwellings.

The proposed HMO would provide a centrally located and sustainable house type located immediately adjoining the Bridgend town centre. It would utilise the existing vacant three-storey building and provide good sized bedrooms and communal living spaces for up to six occupants. All habitable rooms would benefit from natural light, ventilation, and a means of outlook onto Park Street or the rear facing amenity space. For these reasons, the proposed HMO is considered to meet Policy COM6 of the LDP.

The key policy relevant to this Application is **Policy COM7 Houses in Multiple Occupation** where it notes: *‘Proposals to convert an existing building into a House in Multiple Occupation (HMO), bedsits or other forms of shared housing will only be permitted within defined settlement boundaries if:*

- 1) It would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- 2) Conversion is possible without major extensions or alterations to the building which would significantly alter the character and appearance of the street scene and the broader locality;*
- 3) The scale and intensity of use would be compatible with the existing building and adjoining and nearby uses;*
- 4) the proposal incorporates on-site parking provision or demonstrates that it will not have an adverse effect on local parking provision;*
- 5) the proposal includes adequate storage for recycling/refuse, cycles and a clothes drying area; and*
- 6) The proposed development would not have an unacceptable adverse impact on residential amenity.*

*In all other respects development will be expected to meet the relevant requirements set out in other LDP policies.’*

In terms of the above criteria, it is noted:

- 1) A search of Shared Regulatory Services Licensed HMO records, review of approved planning consents and an inspection of the surrounding area has identified only two HMOs located within 50m of the Application property. These are:
  - the 6-bedroom HMO at No. 12 Park Street (approved 20/01/2017 – P/16/861/FUL)
  - the 11-bedroom short term lets at No. 11 Park Street (former Taffys Tavern) (approved 02/11/2022 – P/21/274/FUL).

The 6-bedroom HMO at No. 61 Park Street, referred to by a number of objectors is located approximately 100m from the Application property.

It should be noted that this policy applies to residential accommodation which provides shared housing only. Self-contained flats are not included as part of this assessment.

It is calculated that there are 29 properties within a 50m radius of the Application site. Therefore 2.9 HMOs would be permitted by the LDP criteria. This should logically be rounded up to 3. The current proposal would result in three HMOs within the 50m radius and accordingly would not exceed the 10% threshold.

- 2) The proposal will not require any major extensions or alterations.
- 3) The scale and intensity of use is the same as the adjoining HMO. The existing building is considerably smaller than the neighbouring dental surgery which has been extended at the rear.
- 4) Existing car parking at the rear of the site will be retained and provision made for cycle parking. The property is located in a sustainable location in close proximity to the town centre, public transport hubs and other facilities.
- 5) The proposal provides for waste and recycling storage and clothes drying area at the rear of the building. Cycle parking can be achieved as a condition of planning approval.
- 6) The proposed HMO is not expected to have any unacceptable impacts on residential amenity. Nor would it be anticipated that the proximity of other shared residential accommodation to the application site would give rise to any increased adverse impact on amenity.

Accordingly, and for the above reasons, the proposal is considered to meet the criteria of Policy COM7 of the LDP.

**Policy SP3 Good Design and Sustainable Placemaking** of the LDP states that *'all development must contribute to creating high quality, attractive, sustainable places that support active and healthy lives and enhance the community in which they are located, whilst having full regard to the natural, historic and built environment, by:*

- 1) *Demonstrating alignment with the principles of Good Design; and*
- 2) *Demonstrating a Sustainable Placemaking approach to their siting, design, construction and operation.'*

On balance, it is considered that, in principle, the development accords with Strategic Policy SP6 and Policy COM6 and COM7 of the Bridgend LDP and subject to satisfying the requirements of Policy SP3, the proposed development is acceptable in land use planning terms and accords with the Bridgend Local Development Plan (2024).

### **Impact on Visual Amenity and the Character and Appearance of the Conservation Area**

Strategic Policy SP3 seeks to create high quality, attractive and sustainable places, supporting active and healthy lives. **Strategic Policy SP18 Conservation of the Historic Environment** states that development proposals must protect, conserve, and, where appropriate, preserve and enhance the significance of historic assets, including their settings. This includes proposals located within Conservation Areas.

The proposal involves only a minor change to the rear elevation of the property. A small lean-to addition is to be removed, opening up an expanded yard area for communal use by future residents of the property.

Local Planning Authorities should ensure that proposed developments should not have an unacceptable impact upon the character and amenity of an area. In this case the proposal involves mainly internal alterations. The only external change proposed is the removal of a small lean-to extension which would have no harmful impacts on the Conservation Area. As such, it is considered the change of use would have no unacceptable impacts upon the character of the building or the surrounding area over and above what already exists.

Accordingly, the proposed development is considered acceptable and accords with Policy SP3 and SP18 of the Bridgend Local Development Plan (2024) in that it preserves the character and appearance of the Conservation Area.

### **Residential Amenity**

Policy SP3 of the LDP criterion (k) states '*Applications for new development should ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.*'

#### Overbearing and overshadowing impact

The proposal involves no building additions and only the removal of a small lean-to extension at the rear of the property. As such there are considered to be no issues in terms of overlooking and overbearing over and above what already exists on site.

#### Overlooking/loss of privacy

In terms of overlooking and loss of privacy, the proposal involves no alterations and, as such, the relationship between windows and habitable rooms would not change. The proposed change of use from office B1 to residential will alter the nature of the use of the property. Former office space will be altered to habitable rooms. This may reduce the frequency and duration of occupation of these rooms as future occupants will be able to utilise communal living and kitchen/dining rooms provided on the ground floor. Furthermore, it is noted that the proposed bedroom windows are front and rear facing, looking across Park Street, or to the rear out towards the flank wall of No. 2 Cae Dre Road. As such, the proposals would not have any unacceptable impacts by way of overlooking over and above what already exists.

#### Noise

Policy SP2 Criterion (g) also states that new development should '*Avoid or minimise noise, air, and soil and water pollution*'.

In terms of the likely impacts on neighbouring residential amenity, it is considered that the proposed use of the premises as a small HMO would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality. It is also considered that the level of activity and other likely effects of the use would not significantly exceed what was previously experienced when the building was used as an office.

Any issues relating to noise from future residents of the property would be a matter for Shared Regulatory Services - Public Protection Officers to investigate under their legislation.

#### Amenity of future occupiers

In terms of the level of amenity and standard of accommodation being created for occupiers of the HMO, each bedroom facility would have a satisfactory outlook with appropriate habitable room space and communal kitchen/bathroom facilities being proposed to support the use.

With regard to outdoor amenity space, the proposed layout provides an outdoor space to the rear that future occupiers could use. This space is also well overlooked providing a safe environment for occupiers, which will benefit their health and wellbeing.

### Bin storage and cycle storage

Bin storage areas have been shown at the rear of the building. No cycle parking has been provided, however, a condition has been imposed to ensure suitable cycle storage is available for the future residents of the property.

On balance, it is considered that the proposed change of use is acceptable and will not have any significant adverse impacts on existing neighbouring properties or amenities. As such, there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their statutory nuisance powers. The development, therefore, accords with Policy SP3 and DNP9 of the Bridgend Local Development Plan (2024)

### Highway Safety

Policy SP5 states '*Development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport measures and infrastructure*'. Policy PLA11 further states all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards.

The Application site is located in a very sustainable location close to the town centre where there is an abundance of facilities and the main train and bus stations for Bridgend. The property currently has 2 off-street parking spaces at the rear and these will be retained.

The Highway Officer has assessed the proposal, and it is noted: '*that the site is currently used as an office and the change of use to a house in multiple occupation is considered to be a highway network betterment in comparison to the vehicles the 6 offices would have generated on a daily basis. This will also assist with the AQMA currently in place on Park Street. Therefore, the proposal is acceptable at this location in traffic generation terms.*

*The property benefits from two off-street parking spaces to the rear of the site, which is considered adequate to support the development. It is the collective knowledge of the Highway Authority that levels of car ownership are generally lower for residents of Houses in Multiple occupation, and should a resident be in a position to own a car in the future then they usually move on from the HMO setting. What we have found to be more critical to this type of residential dwelling is somewhere to park a cycle, which many residents use. Furthermore, the site is located in a highly sustainable location for transport and retail, very close to the town centre, train station and bus station and as such the requirement for off-street parking would be reduced as per the Parking Standards, therefore no additional off-street parking is required above the two spaces provided.'*

A condition can be imposed to ensure the car parking is retained as such thereafter.

In order to further improve the sustainability credentials of the site, the Highways Officer has requested a scheme for two cycle stands to encourage the use of bicycles for shorter journeys. This can be imposed via a suitably worded condition. As such the Highways Officer has no objection to the proposal subject to the above conditions.

On balance it is considered that the change of use would not have any unacceptable impacts upon highway and pedestrian safety. Therefore, the proposed development is considered to accord with Policy SP5 and PLA11 of the Bridgend Local Development Plan (2024)

## **Biodiversity**

In assessing a planning application, the Local Planning 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, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (PPW12) states in Section 6.4.4: *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals.”* it further goes on to state that *“All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.”*

Technical Advice Note 5: Nature Conservation and Planning states that: *“Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife.”*

Whilst acknowledging that this is a relatively small scale change of use application, to fully ensure the development meets the requirements of local and national planning policy that states that *all development should maintain and enhance biodiversity*, a condition is recommended to ensure an appropriate bird box is introduced at the site. As such the proposal is acceptable in terms of biodiversity.

## **CONCLUSION**

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2024)

On balance and having due regard to the objections and concerns raised, the proposed development, subject to the imposition of conditions, complies with Council policy and guidelines and does not adversely affect the character of the conservation area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or possible crime, as to warrant refusal on those grounds.

The scheme also raises no adverse biodiversity concerns. Any issues relating to the poor management of HMOs are resolved through the separate licensing regime and legislation and not through the planning system. As such, it is considered that the development is acceptable and complies with Policies SP3, SP5, SP6, SP17, SP18, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024).

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

## **RECOMMENDATION**

(R02) That permission be GRANTED subject to the following condition(s):-

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

Drawing 2964C - CHANGE OF USE FROM OFFICES B1 TO HMO C4 MAXIMUM 6 PERSONS TOGETHER WITH ROOF EXTENSION TO THE REAR (RECEIVED ON 15 MARCH 2024)

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

2. The premises shall be used for a house in multiple occupation (Class C4 of the Town and Country Planning (Use Classes Order) (As Amended)) accommodating a maximum of six persons and for no other use.

Reason: For the avoidance of doubt as to the extent of the permission granted and to enable the Local Planning Authority to retain effective control over the intensity of the residential use.

3. No more than 6 occupants shall reside at the property at any one time.

Reason: For the avoidance of doubt and to ensure that a suitable level of internal and external amenity space is retained for future occupiers to use in accordance with Policy COM7 of the Bridgend Local Development Plan (2024).

4. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of two cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be installed before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site and to accord with policies SP3 and SP5 of the Bridgend Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

5. Prior to the first beneficial use of the development, the 2 parking spaces as shown on drawing number 2931C shall be constructed in permanent materials. The two parking spaces shall be retained and maintained for the purposes of parking in perpetuity thereafter.

Reason: To ensure that adequate parking is retained within the curtilage of the site in accordance with policies SP3 and SP5 of the Bridgend Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

6. Notwithstanding the submitted plans, prior to the commencement of development, a scheme showing the location and design of a waste and recyclables storage enclosure(s) at the site shall be submitted in writing for the agreement of the Local Planning Authority. The approved scheme shall be provided prior to the first beneficial use of the development and retained as such thereafter for the purposes of waste and recyclables storage and management.

Reason: In the interests of safeguarding general amenities and to ensure the sustainability principles are adopted and ensure compliance with Policy ENT15 of the Bridgend Local Development Plan (2024).

7. Notwithstanding the submitted plans and prior to the first beneficial use of the



development, an artificial nesting site for birds shall be erected at the site to one of the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs to be placed under the eaves of buildings.
- Entrance holes: 32mm diameter
- Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

- Wide box with small slit shaped entrance hole placed under or close to roofs.
- Dimensions: H150 x W340 x D150mm

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales, Planning Policy Wales (Edition 12) and Policies SP17 and DNP6 of the Bridgend Local Development Plan (2024)

### **ADVISORIES**

a. The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Local Development Plan (2013)

On balance and having regard to the objections and concerns raised the proposed development, The development, subject to the imposition of conditions, complies with Policies SP3, SP5, SP6, SP17, SP18, SF1, PLA11, COM6, COM7, DNP6 and DN9 of the Bridgend Local Development Plan (2024) and relevant guidelines and does not adversely affect the character of the area, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities, particularly with regard to the fear of anti-social behaviour or crime emanating from the occupiers of the HMO, as to warrant refusal on those grounds. The scheme also raises no adverse biodiversity concerns.

It is further considered that the decision complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

b. HMO's are subject to additional requirements concerning fire safety. The information can be found in the following guide <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf> Furthermore, Automatic Fire Detection (AFD) - HMO's must be provided with suitable AFD system. The system must be designed, installed and maintained in accordance with BS 5839: Part 6.

c. The applicant is advised that the development must comply with the necessary and relevant Building and Fire Safety Regulations. The applicant is also advised that in addition to Planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to the development.

d. Natural Resources Wales Advice.

Flood Risk

Our Flood Risk Map confirms the site includes a small area of Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies a small area

of the application site to be at risk of flooding and falls into Flood Zone 2 Rivers. Given the limited extent of flood risk shown to be affecting the application site (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas

e. Welsh Water Advice

The applicant may need to apply to Dwr Cymru / Welsh Water 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)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our 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 us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

f. Land Drainage

The application states the proposed development is located within a flood risk zone C1, however is not located within 20 of a watercourse and does not increase flood risk elsewhere. The site is located within 900 m of the River Ogmore which is designated as main river. The redevelopment of this site is not thought to increase flood risk elsewhere as is an existing structure. A review of the latest NRW Development Advice Map shows this site to now be just outside of Flood Zone C1. Should consent be granted it is strongly recommended that future occupiers register with the NRW Flood Warning Service. The applicant is strongly recommended to utilise flood resilient building materials and techniques to reduce the potential damage caused by flooding.

The application form states surface water will be disposed to the existing main sewer. No surface water drainage layout has been provided. It is anticipated that currently the surface water is disposed of via the public sewer.

The development consists of the conversion of the existing building; therefore no SAB application is required.

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

No surface water is allowed to discharge to the public highway.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None