

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

UPDATE SINCE DC COMMITTEE MEETING OF 4 APRIL 2024

The Application and original recommendation were considered by the Development Control Committee on 4 April 2024.

The Application report from the Group Manager – Planning and Development Services recommended that consent be granted for the development of a 6-bedroom House of Multiple Occupation (HMO) at No. 14 Park Street, Bridgend.

Notwithstanding the above, and after deliberation, Members voted against the recommendation.

Therefore, Members of the Development Control Committee were minded to refuse the Application and, in accordance with the agreed protocol for dealing with Applications where the Committee is minded to refuse an Application which has been recommended for approval, consideration of the Application was deferred to this meeting so that reasons for refusal could be properly considered.

Article 24 (1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) states that when the local planning authority give notice of a decision or determination on an Application for planning permission or the Application is refused, the notice must—

‘(a) state clearly and precisely the full reasons for the refusal or for any condition imposed specifying all policies and proposals in the development plan which are relevant to the decision.’

Section 11 of the Planning Code of Practice clearly states that:

“If Members are minded to make a decision contrary to the Officer’s recommendation the Application should be referred to the next meeting of the Committee to enable officers to advise Members further. Where a Member proposes a recommendation contrary to the Officer’s recommendation then the proposer should set out clearly the material Planning reasons for doing so. The Chairperson will ensure that the Officer is given the opportunity to explain the implications of the contrary decision before a vote is taken.”

It goes on to state that *“Where Members of the DC Committee are minded to take a decision against the Officer’s recommendation, so that consideration of that matter is deferred to the next meeting of the Committee, Members will receive a further report from Officers upon the strengths and weaknesses of any proposed or possible Planning reasons for such a decision. In cases where Members overturn an Officer’s recommendation for approval, the reasons for this will be drafted and reported back to Members at the next Development Control meeting.”*

Paragraph 9.6.17 of the Welsh Government’s Development Management Manual also advises that *“Where necessary, planning committees should defer Applications by using a*

‘cooling off period’ to the next committee meeting when minded to determine an Application contrary to an officer recommendation. This is in order to allow time to reconsider, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval.”

As referred to above, the reasons for refusal were not devised or agreed during the original meeting, however, Officers invited the nominated Lead Member, Cllr Norah Clarke, in liaison with the other Members who voted to refuse the Application, to draft reasons of refusal in order for Officers to compile a report.

LEAD MEMBER’S REPRESENTATION

The Lead Member has submitted her concerns about the development as follows:

‘Policy COM 7 applies to this Application – Houses in Multiple Occupation

Policy COM 7 is specific in as much that it states that an existing building will only be permitted to be converted into a house of multiple occupancy (HMO) if the development satisfies certain criteria.

Proposals to convert an existing building into a House in Multiple Occupation (HMO), bedsits or other form of shared housing will only be permitted within defined settlement boundaries if:

COM 7 (1) It would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMO’s.

COM 7 (4) the proposal incorporates on-site parking provision or demonstrates that it will not have an adverse effect on local parking provision

COM 7 (5) the proposal includes adequate storage for recycling/refuse, cycles and a clothes drying area; and

COM 7 (6) The proposed development would not have an unacceptable adverse impact on residential amenity.

Planning Application P/23/753/FUL is out of accord with the newly adopted Replacement Local Development Plan – Adopted on 13th March 2024.

COM 7 (1) This development will lead to more than 10% of all residential properties within a 50metre radius of the proposal being a House of Multiple Occupancy (HMO).

COM 7 5.3.42 states:

A high proportion of HMO’s can have a much more significant cumulative impact on the character of an area, its residential amenity and also local community cohesion. The Welsh Government’s Housing in Multiple Occupation: Review & Evidence Gathering report found concerns regarding the number of HMOs increases once concentrations of HMO households rise above 10%. Such concentrations have the potential to cause negative amenity impacts upon existing residents including the potential for increased levels of disturbance associated with multiple households within a property. These factors combined with a reduction in the number of family homes within an area can inhibit the maintenance of sustainable, mixed and balanced communities.

*No 10 Park Street is the office of the Wallich and is also a drop-in centre.
HMO’s situated in a confined area of Park Street*

No 11 Park Street - short term lets consisting of 11 bedrooms (planning Application P/21/274/FUL consent approved 2/11/2022 refers.

No 12 Park Street contains a 6 bed HMO which is run by the Wallich (approved 20/01/2017- P/16/861/FUL)

No 61 Park Street 6 bed HMO situated approximately 100metres from the Application property.

The Application site comprises a three-storey mid terrace property located at 14, Park Street in Bridgend which adjoins the already established HMO at No 12, Park Street, Bridgend and the dentist practice at No 16, Park Street, Bridgend.

COM 7 5.3.43 seeks to ensure proposals to convert dwellings into HMO's are assessed as to their appropriateness in order to avoid over intensification of the use within the locality.

This Application if approved would lead to an unacceptable over intensification of HMO's within a concentrated area of Park Street, Numbers 11,12 and 14 Park Street, Bridgend and would have an unacceptable adverse impact on residential amenity.

The granting of this Application would result in 10.34% of HMO's within a 50metre radius. There are 29 properties within a 50metre radius and two existing HMO's at 11 and 12, Park Street, Bridgend.

A drop-in centre, for the homeless is situated at 10, Park Street Bridgend.

The development if approved would substantially add to the population of vulnerable people with complex needs living within close proximity to the two already established HMO's situated within 50metres of this development.

Concentration of HMO's within a specific area has the potential to cause negative amenity impacts upon existing residents including the potential for increased levels of disturbance associated with multiple households within a property. Residents of Cae Dre Street and the dentist practice have expressed their concerns regarding the two established HMO's and believe that an extra HMO within the same area would lead to an over intensification and would add to the anti-social problems they have and are already experiencing i.e Anti-Social Behaviour (ASB) such as drug taking/dealing, personal threat of violence, urinating in a public place, shouting, verbal abuse, intimidation, loud music, fighting and burglary.

COM 7 (4) the proposal incorporates on-site parking provision or demonstrates that it will not have an adverse effect on local parking provision.

This development if approved would be contrary to policy:- COM 7 (4) and PA 11- Parking Standards

5.2.76 of PLA11 states: The adopted Parking Standards SPG seeks to ensure a transparent and consistent approach to the provision of parking.

5.2.77 of PLA 11 states:- On-street parking can cause problems by reducing road width, thereby affecting the free flow of traffic and adding hazards for pedestrians, cyclists and other road users. Therefore, Applications will be refused where there is a likelihood of on street parking occurring will give rise to these concerns. In some instances, this can also impact on the amenity of residents who have to compete for a car parking space.

COM 7 5.3.43 states:- Proposals should consider provision of on-site car parking or otherwise demonstrate that conversion to a HMO would not adversely impact upon local parking provision. Therefore, Applicants should consider the sustainability of the location in

terms of whether walking, cycling and public transport use are attractive and viable alternatives to private car use.

There is only provision for two parking spaces at the rear of No 14, Park Street, Bridgend which are allocated for visitors and staff. Parking provision is therefore not adequate for this 6 bed development.

Parking Standards also states: Visitor parking must be designed as an integral part of any development where it is required and must take into account the needs of disabled.

As the adopted parking standards SPG seeks to ensure a transparent and consistent approach to the provision of parking this Application should be afforded that transparent and consistent approach and therefore extra parking would be needed for this Application and although there aren't any parking standards specifically for HMO's,

Parking Standards PLA 11 5.2.76, 5.2.77 still applies.

Parking in Cae Dre Street which is an access only street is at a premium and any additional parking at the rear of the Application site cannot be accommodated which would lead to competition for on-street parking in Cae Dre Street. This would impact on the amenity of the residents living in Cae Dre Street. Also parking standards state that visitor parking must take into account the needs of the disabled and the two spaces at the rear of 14, Park Street, Bridgend are at a higher level than the property's back entrance and therefore steps will need to be negotiated.

The parking provision provided does not conform to COM 7 (4).

COM 7 (5) the proposal includes adequate storage for recycling/refuse, cycles and a clothes drying area;

COM 7 5.3.43 states:- Proposals should also make on-site provision for sufficient recycling/refuse storage, clothes drying area, and cycle parking as well as appropriate amenity space for residents.

Cycling Parking Standards state:- Cycle parking should be located in a safe, secure and convenient location. Care should also be taken to ensure that cycle parking facilities are not located where they may obstruct pedestrians, disabled persons and particularly people with sight problems.

Policy COM 7 (5) states that a provision should be made for on-site clothes drying area and on-site cycle parking. There is no provision for an on-site drying area so therefore the development does not comply in part with policy COM 7 (5). The area at the rear of 14, Park Street, Bridgend would be unable to provide sufficient space for an on-site clothes drying area.

This development is contrary to policy COM 7 (5) inasmuch as a clothes drying area has not been provided for and therefore does not comply in part with the policy

COM 7 (6) The proposed development would not have an unacceptable adverse impact on residential amenity.

The Welsh Government's Housing in Multiple Occupation: Review & Evidence Gathering report found concerns regarding the number of HMOs increases once concentrations of HMO households rise above 10%. Such concentrations have the potential to cause negative amenity impacts upon existing residents including the potential for increased

levels of disturbance associated with multiple households within a property. These factors combined with a reduction in the number of family homes within an area can inhibit the maintenance of sustainable, mixed and balanced communities.

COM 7 5.3.43 Therefore seeks to ensure proposals to convert dwellings into HMO's are assessed as to their appropriateness in order to avoid over intensification of the use within the locality.

Perceived fear of crime and personal safety

An additional HMO at 14, Park Street Bridgend will not only exceed the 10% limit which is defined within Policy COM 7 (1) but it will result in a cumulative impact on the character of this particular area of Park Street which is in the Newcastle Hill Conservation area and will have an unacceptable impact on residential amenity.

Definition of amenity – a feature or service that makes a place pleasant, comfortable or easy to live in

The Welsh Government's Housing in Multiple Occupation: Review & Evidence Gathering report found concerns regarding the number of HMOs increases once concentrations of HMO households rise above 10%.

The placing of a number HMO's within a concentrated area gives rise to the occupants meeting up and gathering together in large groups.

Visitors/friends attending HMO's can lead to increased levels of anti-social behaviour (ASB) which have already been experienced by the residents of Cae Dre Street and the staff at the dental practice at No 16, Park Street, Bridgend.

ASB experienced by residents of Cae Dre Street since HMO's have been established, include drug taking/dealing, urinating in public places, shouting, verbal abuse, intimidation, loud music, fighting in the street, threat of violence, burglary and parents afraid to allow their children to venture out. The police have attended to reported incidences as well as paramedics to those residents of the HMO's that have overdosed and have been found by residents of Cae Dre Street lying in the street.

The planning Application states, 'There will be a shared outdoor amenity space/courtyard to the rear and side of the property'.

The appropriate amenity space referred to is a space at the rear of 14, Park Street, Bridgend which is also adjacent to the rear of the established HMO at No 12, Park Street, Bridgend and is the precise area where groups congregate and where some anti-social behaviour has taken place.

Due to all the incidences that have occurred within this area of Park Street and especially Cae Dre Street there exists a perceived fear amongst the residents of nearby properties that crime will escalate if another HMO is given planning permission within such close proximity to the two established HMO's.

Policy COM 7 is specific inasmuch that it states that an existing building will only be permitted to be converted into a house of multiple occupancy (HMO) if the development satisfies certain criteria.

This Application is out of accord with the Local Development Plan and does not satisfy the criteria set down in Policy COM 7 and therefore should be REFUSED.

Please see Appendix 1'

The representation is supported by statements from residents of Cae Dre Street, Bridgend and Dentist Practice (attached as Appendix 1 to this report) as well as photographs taken by the Lead Member one morning at 8.47am of the parking situation at Cae Dre Street and at the rear of the property (attached as Appendix 2).

The following reasons for refusal have been drafted by officers in consultation with the lead Member should the Committee be minded to refuse the Application:

1. The proposed change of use of this building to a House in Multiple Occupation, by reason of its location and form, would represent an over-intensification of similar residential units in the immediate locality having a detrimental impact on the residential amenities of neighbouring occupiers and resulting in an increased perception of crime and actual instances of anti-social behaviour in the area, contrary to Policies SP3 and COM7 of the Replacement Local Development Plan 2018-2033.

2. The proposed change of use of this building to a House in Multiple Occupation, by reason of its location and form, fails to provide sufficient and accessible on-site parking having a detrimental impact on the amenities of future occupiers of the residential unit and increasing the demand for on-street parking in an area that is already oversubscribed, contrary to Policies COM7 and PLA11 of the Replacement Local Development Plan 2018-2033.

3. The proposed change of use of this building to a House in Multiple Occupation, by reason of its location and form, fails to provide sufficient and useable outdoor amenity space, adequate storage for recycling/refuse, cycle parking and a clothes drying area, having a detrimental impact on the amenities of future occupiers of the residential unit, contrary to Policies SP3 and COM7 of the Replacement Local Development Plan 2018-2033.

Reason 1 relates to the over-intensification of HMOs in this location, the impact on residential amenities from anti-social behaviour and the perception, and instances, of crime.

In planning terms, HMOs can be broken down into two different types. An HMO has the same meaning as in section 254 of the Housing Act 2004. Small HMOs refer to shared houses or flats occupied by between 3-6 unrelated persons who share basic amenities. This is classed as planning Use Class C4. Changes of use to a C4 Use Class requires planning permission. Large HMOs refer to properties with more than six unrelated persons sharing. They do not fall within any use class and are treated as 'Sui Generis' (meaning 'of their own kind'). Changes of use to a Sui Generis HMO also requires planning permission.

Following consultation in February 2016, Welsh Government legislation created the C4 Use Class. This changed the definition of HMOs within the planning system, effectively introducing the existence of smaller HMOs, which until this date had been included in the C3 Use Class – dwellinghouse. Before this date, a change from a dwellinghouse to a small HMO was a form of permitted development. The creation of the new C4 Use Class means that Councils can develop policies referencing smaller and larger HMOs.

Policy COM7 of the Replacement Local Development Plan (**LDP**) recognises that HMOs can form an important part of the housing stock to ensure a broad range of housing options are available, providing accommodation for small households who may otherwise be unable to meet their needs in the market and/or require flexibility to move home.

However, residents of HMOs can often remain in situ for relatively less time than residents of other dwelling houses, meaning areas with significant concentrations of HMOs can witness greater population turnover. Equally, multiple occupation of a house can involve intensification of its residential use, due to a greater number of independent adults residing within the property. In certain instances, this can lead to increased levels of activity in and around the house, greater noise levels, additional demand for car parking spaces and waste disposal issues.

Nevertheless, conversion of a single dwelling house into a HMO may not necessarily constitute intensification. For example, a single dwelling house could accommodate an adult couple plus several additional adult children who are set to remain in the parental home for an unspecified period. On this basis, it is normally difficult to demonstrate the degree of impact that an individual property converted to a HMO may have on the character and amenity of its surroundings.

However, a high proportion of HMOs can have a much more significant cumulative impact on the character of an area, its residential amenity and also local community cohesion. The Welsh Government's Housing in Multiple Occupation: Review & Evidence Gathering report found concerns regarding the number of HMOs increases once concentrations of HMO households rise above 10%. Such concentrations have the potential to cause negative amenity impacts upon existing residents including the potential for increased levels of disturbance associated with multiple households within a property. These factors combined with a reduction in the number of family homes within an area can inhibit the maintenance of sustainable, mixed and balanced communities.

Policy COM7 therefore seeks to ensure proposals to convert dwellings into HMOs are assessed as to their appropriateness in order to avoid over intensification of the use within the locality. The building itself must be suitable for conversion without extensions or alterations that would change its character and appearance, thereby avoiding insensitive, unneighbourly infilling. Equally, the proposal must be compatible with both the building itself and the broader locality in terms of intensity and scale, in order to prevent cumulative harmful impacts.

Proposals should consider provision of on-site car parking or otherwise demonstrate that conversion to a HMO would not adversely impact upon local parking provision. Therefore, Applicants should consider the sustainability of the location in terms of whether walking, cycling and public transport use are attractive and viable alternatives to private car use. Proposals should also make on-site provision for sufficient recycling/refuse storage, clothes drying area(s), and cycle parking as well as appropriate amenity space for residents.'

As previously advised in the Application report, there are 29 properties recorded as being located within 50 metres of the Application property. Ten percent of 29 would equate to a total of 2.9 HMOs. In terms of criteria 1) of Policy COM7 this would be considered to be an acceptable number and would not result in an over Intensification of the use within the locality.

Council records have again been reviewed and it is confirmed that the six-bedroom HMO at No. 12 Park Street was granted planning permission (P/16/861/FUL) on 20/01/2017, after the creation of the C4 Use Class by the Welsh Government.

A review of the planning approval (P/21/274/FUL) for No. 11 Park Street (formerly Taffy's Tavern), indicates that permission was granted on 02/11/2022 for '*Change of use to short-term living accommodation (Use Class C6)*'. Use Class C6 Short Term Lets, covers the use of a dwellinghouse for commercial short-term letting not longer than 31 days for each

period of occupation. This Use Class includes second homes, holiday rentals and Airbnb type accommodation, whereby persons would occupy the premises for short periods of time. This form of accommodation is not classed as permanent residential housing where occupants would regard the property as their home.

Accordingly, No. 11 Park Street cannot be considered to form a housing type which is required to be included in the calculation of the 10% criteria, as Policy COM7 of the LDP specifically relates to Houses in Multiple Occupation (HMO), bedsits or other forms of shared housing only.

Accordingly, it has now been established that only one existing HMO, bedsit or other form of shared housing accommodation is located within 50 metres of the Application property, and that is the adjacent property at No. 12 Park Street. That being the case, the current proposal is found to be compliant with the 10% criteria of Policy COM7 of the LDP.

It is appropriate to note that the Council has received an Application for a further change of use of No. 11 Park Street. The applicant seeks permission to 'Change the first floor from short term lets (Use Class C6) to a 7 bed HMO (sui generis) and retention of 3 separate short term lets on ground floor (use class C6)'. This Application has yet to be determined.

The perceived fear of crime and anti-social behaviour has been well documented by the Lead Member in her submission but many of the concerns relate to the alleged effects of the HMO at No.12 Park Street and the adjacent Wallich office and drop-in centre. Both these uses are lawfully established by the grant of planning permission by the Local Planning Authority.

While it is acknowledged that the issues which have been raised are real and of some concern, it cannot be assumed that another HMO will automatically give rise to the same effects or exacerbate existing impacts.

The current Application is made by D2 Propco Ltd., who provide temporary housing for vulnerable adults and young people. They work with local councils including Bridgend providing accommodation for people on their housing lists. The accommodation is not being provided specifically for people with complex needs, nor released prisoners, but persons requiring a safe place to live.

Case law dealing with the 'fear of crime' indicates that there needs to be clear tests that must be overcome for a fear of crime to be a material planning consideration or to be given more than limited weight. In particular:

- the fear of crime must be objectively justified;
- the fear of crime must have some reasonable basis; and
- the fear of crime must relate to the use – in planning terms – of the land in question rather than assumptions '*not supported by evidence as to the character of future occupiers*' (Smith v FSS [2005] EWCA Civ 859).

In the case of the proposed change of use of No. 14 Park Street, there has been no evidence forwarded which would support these tests. Specifically, no evidence has been provided about the character of future occupiers of the proposed HMO, as the nature of the occupiers is unknown.

Issues in respect of anti-social behaviour are ultimately matters for the police. There is no compelling evidence to suggest that a small HMO use of the scale being considered, even in combination with one other adjoining HMO, 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, 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.

It is also the case that the former solicitor's office would not have been occupied during the evening when in use and it is now vacant. The re-use of the building as a small HMO would result in the premises being occupied for most of the day and night leading to an increase in the level of natural surveillance and presence throughout the day. This, in turn, could potentially discourage anti-social behaviour in this area.

Reason 2 relates to the development failing to provide sufficient and accessible on-site parking thus having a detrimental impact on the amenities of future occupiers of the residential unit and increasing the demand for on-street parking in an area that is already oversubscribed.

The Highway Officer has reaffirmed that there is no category in the Parking Standards SPG17 to cover HMOs. However, the Application does include parking for two vehicles to the rear which can be used by occupants of the property.

Highways advice has noted that car ownership levels are likely to be lower in this instance given the nature and location of the accommodation. It is reiterated that the property is situated in a highly sustainable location with excellent access to public transport and other amenities. Secure cycle parking is to be provided to the rear of the property and this will ensure alternative methods of transport are encouraged as part of this development.

Reason 3 relates to the development failing to provide sufficient and useable outdoor amenity space, adequate storage for recycling/refuse, cycle parking and clothes drying area and the detrimental impact on the amenities of future occupiers of the residential unit.

The property contains a modest yard area to the rear of the building that has historically been used for storage associated with the previous office use. This area is separated from the two car parking spaces at a lower level. The proposal includes the demolition of a lean-to addition, and the resultant area will be made available for storage and amenity space.

This rear yard area is of a size considered sufficient for the storage of waste/ recycling and two cycle stands and conditions have been recommended requiring the submission and approval of further details. Further space remains at the rear of the property for the provision of clothes drying facilities. It is further considered that town centre dwellings do not generally benefit from extensive private amenity space.

While the space at the rear of the building is limited and really only suitable for bin and cycle storage and clothes drying, it should be noted that the property benefits from a large open area to the front, adjoining Park Street. This elevated and south facing space would be suitable for sitting out by the residents of the proposed HMO and form a good quality useable amenity space.

In conclusion, having regard to the above, it is considered that the three reasons put forward for refusing this Application would be difficult to defend at any subsequent appeal stage.

A copy of the original Officer's report is reproduced below: -

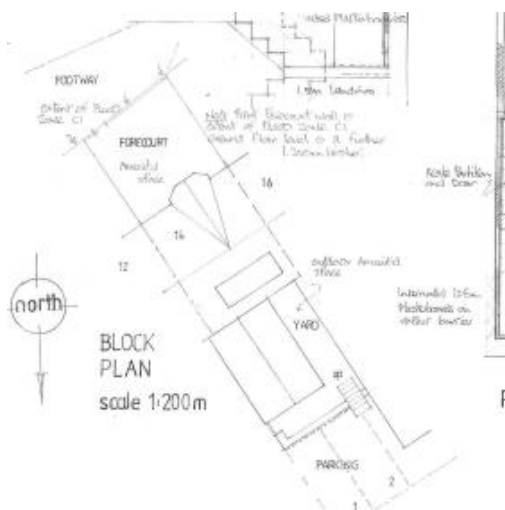
DESCRIPTION OF DEVELOPMENT

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.

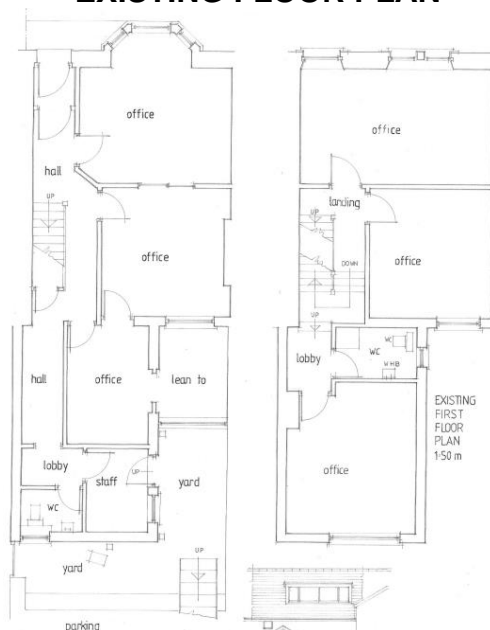
In general terms, Class C4 covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities (Houses in Multiple Occupation: Practice Guidance, March 2017).

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 bedroom 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.

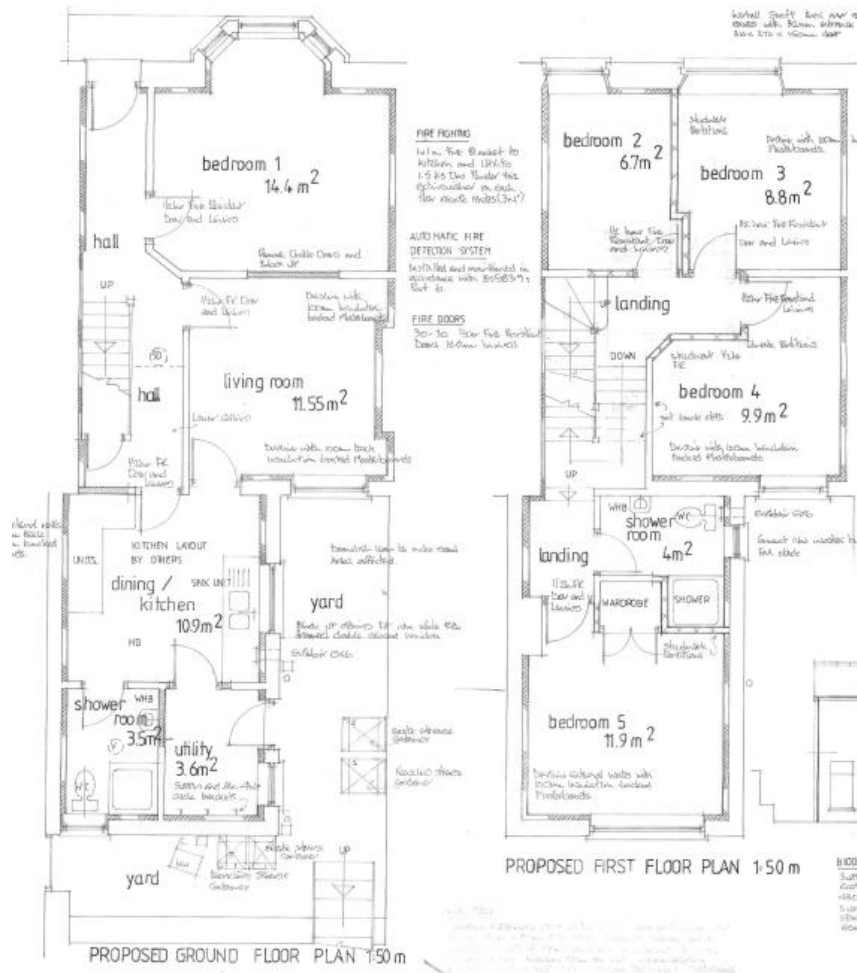
PROPOSED BLOCK PLAN



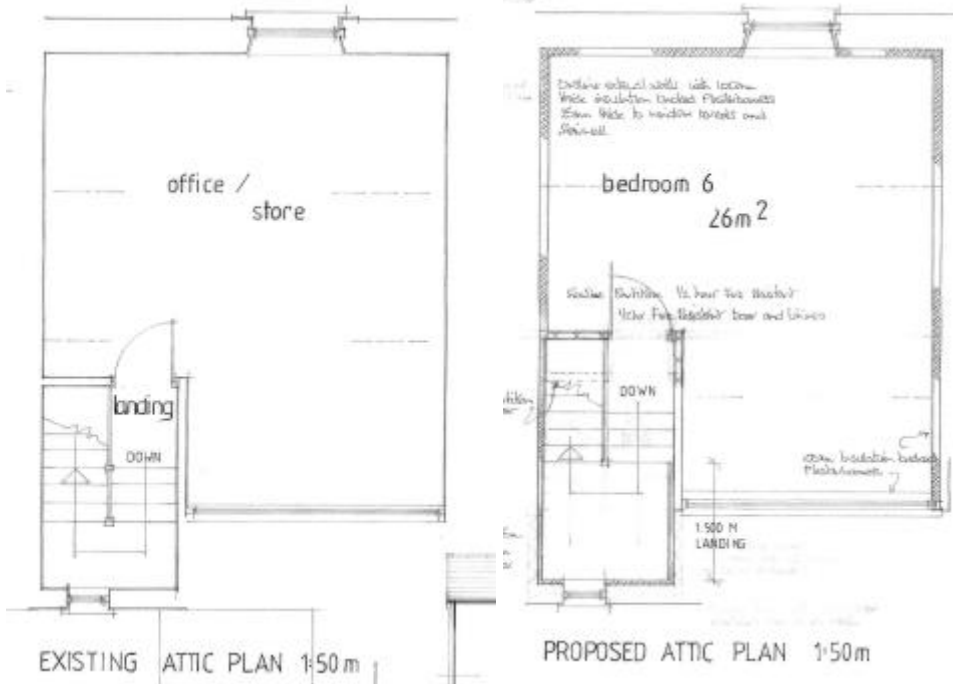
EXISTING FLOOR PLAN



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 Council Officers on the visual impact of this addition, it has been removed

from the proposed plans.

SITE AND LOCALITY

The Application site comprises a three-storey mid terrace property located at No. 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 PD 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 to 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.

Welsh Water: Recommended advisories.

Natural Resources Wales: No objection. Recommended advisories.

Land Drainage: No objection.

Cllr 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.

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

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 a 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 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 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 SP7:** Conservation and Enhancement of the Natural Environment
- **Policy SP8:** 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 meet 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 is considered to accord 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 Character 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 the 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)

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 as such the relationship between windows and habitable rooms would not change. As such the proposal would not have any unacceptable issues relating to 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

SRS public protection to investigate under their noise nuisance 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 can be imposed to ensure suitable cycle storage is available for 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 an abundance of facilities and the main train and bus station 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 provided and 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 shorter journeys by bicycle. 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 impact 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 this is a small scale, change of use Application, to fully ensure the development meets the requirements of local and national planning policy that *states 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.

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)

8. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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

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.

**JANINIE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None