

REFERENCE: P/24/45/FUL

APPLICANT: N. Cowan The Elderbush Hotel , 57 High Street, Nantyffyllon, Maesteg, CF34 0BS

LOCATION: The Elderbush Hotel 57 High Street Nantyffyllon Maesteg CF34 0BS

PROPOSAL: Convert existing pub in to 12 bedroom House in Multiple Occupation (HMO)

RECEIVED: 22 January 2024

DESCRIPTION OF DEVELOPMENT

The Applicant, N. Cowan is seeking planning permission for the change of use of the former Elderbush Hotel located at No. 57 High Street, Nantyffyllon into a 12-bedroom House in Multiple Occupation (**HMO**).

This is a sui generis use falling outside Use Class C4 which 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 proposed change of use. The internal alterations comprise:

- Basement laundry and storage;
- Ground floor 4 x bedrooms all with ensembles. Communal kitchen separate lounge/diner and cycle parking store;
- First floor 7 x bedrooms all with ensembles and one shared bathroom;
- Loft 1 x bedroom with ensuite, one shared bathroom and one kitchen/diner/lounge; and,
- The floor plan is annotated with *'bedroom 12 might be splitted into 2no. single bedrooms following standards.'*

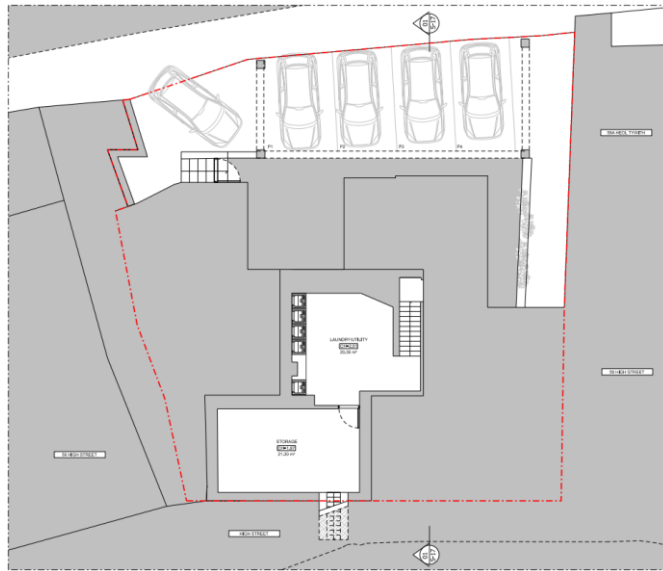
Principal access to the property would be from the existing entrance on High Street. The rear courtyard area would become a shared amenity space for residents and would be accessed from the kitchen or lounge. A second access to the amenity area would be available from Heol Tywith.

The plans show the demolition of the existing garage/store to the rear of the property and development of a new carport capable of accommodating four vehicles. A fifth space is shown to the side of the proposed carport. The roof of the carport would be developed as part of the communal courtyard.

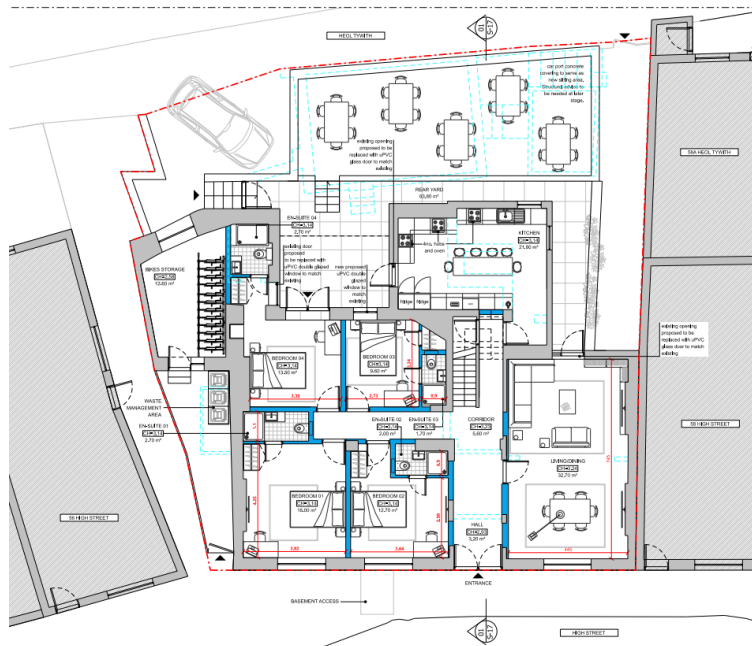
Four front facing rooflights and one rear facing dormer window are proposed on the host building.

An area to the side of the property would be used for waste and recycling storage. A cycle store containing twelve cycles would be provided within an existing storage room to the side with access to High Street.

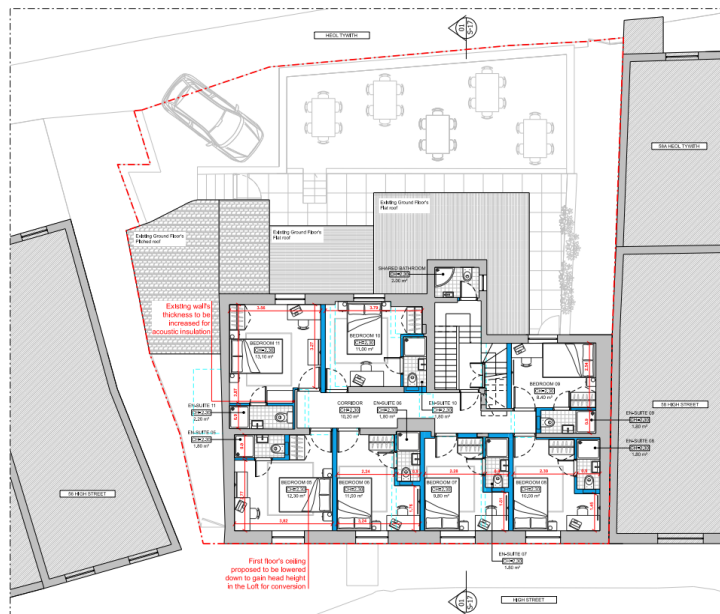
The Application was supported by a Flood Consequence Assessment and Traffic Impact Assessment.



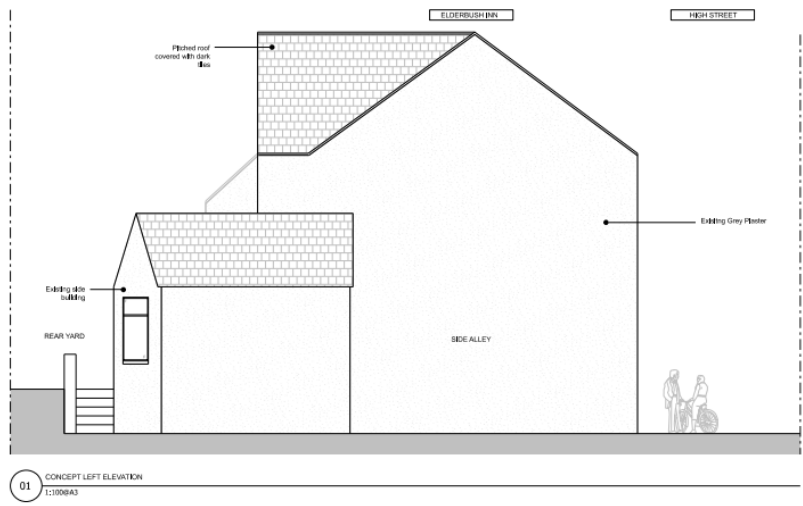
PROPOSED BASEMENT



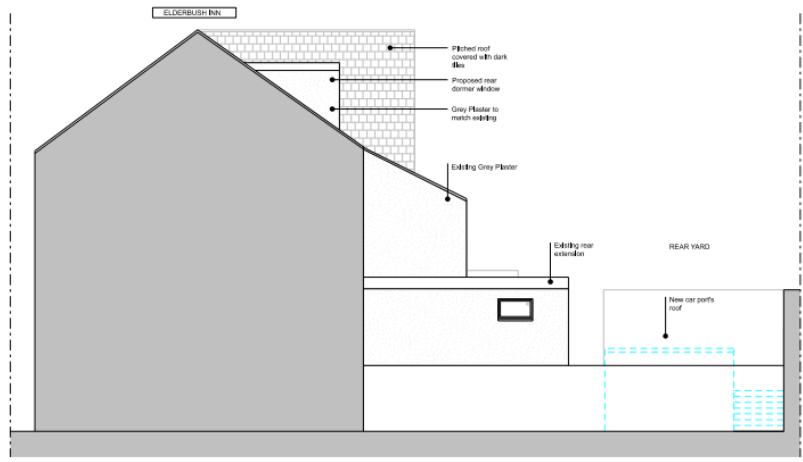
PROPOSED GROUND FLOOR



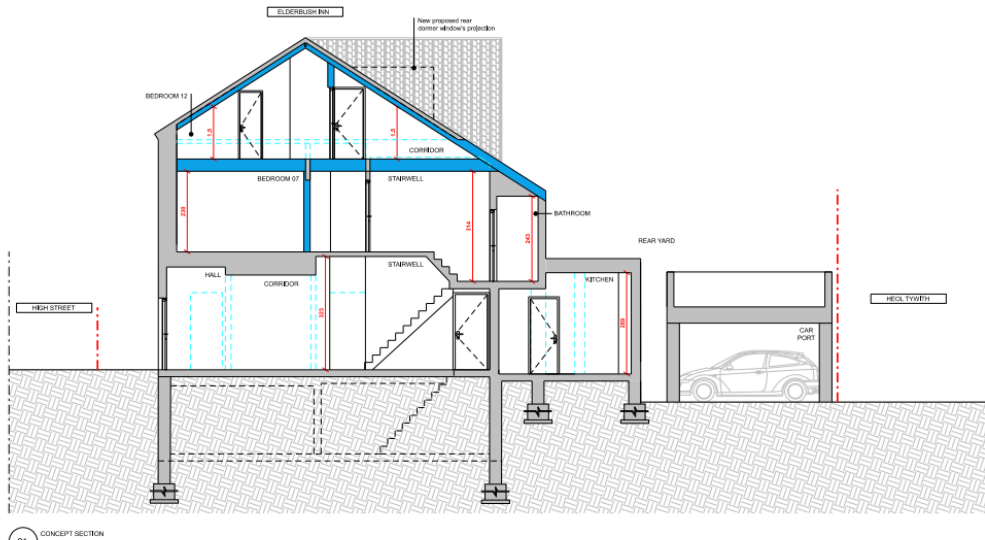
PROPOSED FIRST FLOOR



01 CONCEPT LEFT ELEVATION
11/000943



PROPOSED SIDE ELEVATIONS



01 CONCEPT SECTION
11/000943

PROPOSED CROSS SECTION

SITE AND LOCALITY

The site is located within the Local Settlement of Nantyllyllon as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Replacement Local Development Plan (RLDP) adopted in 2024.

The Application site comprises a traditional two-storey hotel, the Elderbush Hotel located at No. 57 High Street in Nantyllyllon. The Applicant has indicated that the hotel last

operated and was open to the public in September 2021. Since then, it has been closed and appears to be unoccupied.



LOCATION PLAN



AERIAL PHOTOGRAPH

The building is located within an area of principally residential use. The property has two highway frontages, High Street to the west and Heol Tywith to the rear (east). This and its adjoining properties face onto High Street, as their principal frontage. High Street (A4063), maintains parking restrictions in the location with bus stops in both directions immediately adjoining the property.

The Llynfi River, a Natural Resources Wales (**NRW**) designated Main River flows in a southerly direction approximately 25m east of the site.

The hotel building contains a cellar and two separate bar areas on the ground floor with toilets and storage rooms to the rear. There is an open courtyard area to the rear which appears to have used for outdoor entertainment. This has stair access to Heol Tywith. The site contains a detached side facing garage on its Heol Tywith frontage with a roof terrace above. This can be accessed from the garden bar space. The first floor of the hotel contains five separate bedrooms and a communal bathroom. The loft appears to be unused.

The former Siloh Chapel, a Grade II Listed Building which is located two properties to the south of the site has been converted into 6 x two-bedroom flats following the grant of Listed Building approval in 1996.



FRONT ELEVATION FROM HIGH STREET



REAR ELEVATION FROM HEOL TYWITH

PLANNING HISTORY

P/99/1/FUL – Extension to ladies toilet, new roof to garage and new disabled toilet.
Granted 23/02/1999.

CONSULTATIONS

Maesteg Town Council: Raises concern over the lack of parking provided.

Welsh Water: No objection. Advisory recommended on connections to the public sewer.

Ecology: No comments.

Natural Resources Wales: No objection.

Land Drainage: Recommends consultation with NRW over the proposed development in Flood Zone C2.

South Wales Police: No objections. A number of recommendations were made on the development which would ensure that it meets the Secured by Design (SBD) objectives promoted by the police. These recommendations have been forwarded to the applicant.

Shared Regulatory Services: No objection. An advisory recommended reminding the Applicant of the requirement to obtain a HMO licence.

Highways Officer: No objection.

Chief Fire Officer: No objection. Advisory recommended on the provision of water supplies for firefighting and access for emergency vehicles.

Councillor P Davies: No objection.

Councillor CLC Davies: No comments received

PUBLICITY

The Application was publicised by site notice and neighbours have been notified of the receipt of the Application. The period allowed for response to consultations/publicity expired on 30 May 2024.

Following receipt of a Traffic Impact Assessment (**TIA**) and a further TIA Addendum in October 2024, the Application was reconsulted and the consultation period expired on 21 October 2024.

REPRESENTATIONS RECEIVED

Nineteen letters of objection were received from surrounding residents and Councillor P Jenkins. Concerns raised by these representations include:

- The impact of the proposal on on-street parking;
- Heavy demands placed on available parking by existing residents, occupants of the former Siloh Chapel and visitors to the Nantyllyllon Institute;
- Poor visibility for vehicles exiting the proposed parking spaces;
- The failure to provide the 4 basement parking spaces required at the Siloh Chapel;
- Highway safety issues due to speed of vehicles using Heol Tywith and presence of children attending nearby nursery;
- The need to upgrade the public ROW leading to the Maesteg – Caerau active travel route;

- Anti-social behaviour by future residents;
- Development would have similar effects as seen at the former Travellers Rest public house at No. 95 High Street;
- Poor quality of living accommodation proposed;
- Possible use as social housing;
- Use out of character with surrounding area;
- The property should offer employment and be used as a B & B or small hotel; and,
- The property should be developed as one and two-bedroom flats for sale.

Nine further representations were received on the proposal when it was re-consulted on. Seven of these submissions were objections received from persons who made earlier representations, and these repeated similar concerns as were previously raised. The two other representations received expressed support, one conditional, for the proposed development.

COMMENTS ON REPRESENTATIONS RECEIVED

Highway and pedestrian safety issues

- The property is currently a vacant hotel with a single garage/store at the rear along with a small area of off-road parking.
- The transportation issues raised will be considered in the Analysis section of this report below.

Other issues

- The Replacement Bridgend Local Development Plan does not contain any minimum standards for bedroom size or specified requirements for communal areas for new HMOs. The proposed HMO includes bedrooms ranging from 9.00m² to 29.3m² which are considered to be appropriate for the accommodation provided. Two separate kitchens and communal lounge/dining areas are proposed along with two separate bathrooms;
- 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 this Application. There is no compelling evidence to suggest that HMOs of the scale being considered would result in increased levels of crime or fear of crime within the locality of the 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, HMO use, for a maximum of twelve people, would not cause such anti-social behaviour or perception of anti-social behaviour to recommend refusal of the Application in this case;
 - The Siloh Chapel was granted planning permission in 1995 for conversion into 6 x two-bedroom self-contained flats. The approved plans show car parking for 4 vehicles in the basement.;
 - The former Travellers Rest at No. 95 High Street was granted a change of use in 2014 to seven flats and has been lawfully established;
 - 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 no others identified within a 50-metre radius of the Application property;
 - The condition of the pedestrian access to the Maesteg – Caerau walkway from Heol Tywith is not considered to be a material planning consideration in this particular case; and,

- While the property may have a potential use as a B&B or other form of visitor accommodation, the current application is for a 12-bedroom HMO. The Committee is required to consider the proposed use and not any other alternative scheme.

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 (Wales) Act 2015

The Well-being of Future Generations (Wales) 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 compromising 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 ENT15:** Waste Movement in New Development
- **Policy DNP6:** Biodiversity, Ecological Networks, Habitats and Species
- **Policy DNP9:** Natural Resource Protection and Public Health

Supplementary Planning Guidance

In addition to the adopted Replacement 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 referred to the Development Control Committee to consider the concerns raised by neighbouring occupiers and Councillor Jenkins.

Having regard to the above, the main issues to consider in this Application relate to the principle of development, the loss of community facilities, visual effects, impacts on the amenities of neighbouring residents, highway and pedestrian safety, parking, waste movement, flood risk and biodiversity.

Principle of Development

The site is located within the Local Settlement of Nantffyllon and within an established, residential area as defined by **Policy SF1 Settlement Hierarchy and Urban Management** of the Bridgend Replacement Local Development Plan (RLDP) 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 RLDP 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 RLDP 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 development located within the Settlement Boundary and in close proximity to public transport services. It would utilise the existing two-storey building providing good sized bedrooms and communal living spaces for up to twelve occupants. All habitable rooms would benefit from natural light, ventilation, and a means of outlook onto High Street or Heol Tywith. 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) Neither planning records nor the Public Register of Licensed HMO's identify any HMOs within a 50m radius of the Application property.

Accordingly, the proposal would not exceed the 10% threshold.

- 2) The proposal will not require any major extensions or alterations to the former hotel building. However, the property would be modified at the rear by the removal of the large garage/store and its replacement by a new carport, with amenity area above. This change is not considered to significantly to alter the character and appearance of the property or area.
- 3) The scale and intensity of the use is considered to be compatible both with the existing building (as communal areas are provided for residents), as well as with the adjoining and nearby uses which are also primarily residential. The development would be similar in scale to the residential conversions of the former Siloh Chapel and former Travellers Rest public house.
- 4) The Application indicates covered and secure cycle parking for 12 x cycles at the side of the property. Additionally, 5 x vehicle parking spaces are proposed at the rear of the property. The property is located in a sustainable location immediately opposite bus stops. It is noted that the Highways Officer has not raised any objection to the proposal.
- 5) The proposal provides for waste and recycling storage and a suitable clothes drying area at the rear of the building. Provision of compliant cycle parking can be covered as a condition of planning approval.
- 6) The proposed HMO is not expected to have any unacceptable impacts on residential amenity.

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

Policy SP3 Good Design and Sustainable Placemaking of the RLDP 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'*

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

Loss of Community Facilities

Policy COM9 Protection of Social and Community Facilities of the RLDP, states that proposals which would adversely affect or result in the loss of existing or proposed social and community facilities will not be permitted unless justified on one the following grounds:

- 1) A sustainable, easily accessible alternative location is available, and a facility of equivalent community benefit is provided by the developer on the site or off site within the community; or

- 2) Where it can be demonstrated that the existing facility is no longer required for the current use, or any other social and community uses, or there is already an excess of such provision in the area.

As a starting point in determining whether a proposal involving the loss of a public house/hotel should be considered in the context of criteria 2, important factors to consider are:

- 1) Is there adequate provision of alternative public houses in the local area?;
- 2) How long the public house been vacant for?;
- 3) Has it been actively marketed for its existing/former use?; and,
- 4) Do the representations received from the local community suggest that it is valued for its existing/former use?

The Application site is located in an area that historically contained a number of public houses, places of worship and places of public assembly. These provided facilities for the residents of Nantyllyfyllon. While a number of these have now been closed and converted to other uses (the Travellers Rest and Siloh Chapel) others remain open and operational.

The nearest alternative public house is *The Mason Arms*, located approximately 350m south of the Application site on High Street. This presents a suitably located alternative social facility for local residents.

The Applicant has advised that the Elderbush Hotel closed in September 2021 and has been marketed for sale since that time. Given the passage of three years, with no apparent interest shown in reopening the hotel, the property is considered suitable for potential alternative use.

Only one of the representations received expressed a desire to reopen the premises as a hotel or B&B. This was stated as a means of providing employment opportunities to the local community instead of the proposed HMO accommodation.

For the above reasons and on balance, it is considered that the loss of this social facility would not have a detrimental impact on the social and community fabric of the surrounding area. Accordingly, the proposal is deemed to be in accord with Policy COM9 of the Replacement Local Development Plan.

Visual Impact

Policy SP3 of the adopted Bridgend Local Development Plan (2024) highlights all development should contribute to creating high quality, attractive, sustainable places by, amongst others:

- Demonstrating alignment with the principles of Good Design;
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and character; and,
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.

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 includes only minor changes to the host property at its rear as well as a number of new rooflights and rear dormer window. The principal elevation of the building would remain unaltered, ensuring that the character of the area remains undisturbed.

The proposed carport would replace an existing garage/store building at the rear of the property. While the plans submitted on the carport are sketchy, this would have an open appearance, less bulky and imposing than the existing structure. However, it is indicated that the roof of the carport will be used as part of the communal amenity area, and this would mean that this structure would need to be enclosed with a balustrade or other suitable construction. While the final details of the proposed carport have not been provided, these can be covered by a condition of planning approval should the Application be approved.

Accordingly, and subject to a pre-commencement condition on the design of the carport, the proposed development is considered to be visually acceptable and would not harm the character and appearance of the surrounding area. For these reasons the development is considered to be in accordance with Policy SP3 of the Bridgend Replacement Local Development Plan (2024).

Residential Amenity

Policy SP3 of the RLDP 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 proposed carport would replace the existing structure located to the rear of the property. As such there are considered to be no issues in terms of building dominance or overshadowing, over and above what already exists on site.

Overlooking/loss of privacy

In terms of overlooking and loss of privacy, the proposal involves only rooflights and a rear facing dormer window on the existing roof slopes. It is considered that these would result in no greater impact on the privacy of neighbours than would the existing situation. While the dormer would afford new views from a rear facing habitable room, these are out across Heol Tywith towards the Llynfi River. As such, the development would not result in any greater loss of privacy for neighbours.

While the proposed amenity space and particularly the roof top terrace on the carport may result in some overlooking of adjoining properties, this effect is not considered significant as this space has historically been used as a garden bar area having a similar effect. The proposed courtyard is setback from both neighbouring properties, and this reduces the potential for direct overlooking. The property to the south contains its entrance onto Heol Tywith with a side facing flank wall. The property to the north does have its private garden to the rear, however this is located approximately 10m from the terrace which would mitigate any adverse overlooking impact.

Noise

Policy SP3 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 would not unreasonably compromise the level of amenity that is currently enjoyed and can be reasonably expected in such a locality.

It should be acknowledged that the level of activity and other likely effects of the proposed residential use would likely be significantly less than the former hotel with accommodation comprising five bedrooms above.

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 space along with communal kitchen and lounge/dining facilities being proposed to support the use.

With regard to outdoor amenity space, the proposed layout provides a generous east facing outdoor space to the rear that future occupiers can use. This is considered an acceptable level of provision to service the proposed use.

Bin storage and cycle storage

A suitable waste storage area can be provided at the side of the property beside the cycle store. This will allow access to High Street on refuse collection days. Cycle parking is proposed and can be achieved by a condition of consent to ensure suitable and appropriate 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 Replacement Local Development Plan (2024)

Highway Safety

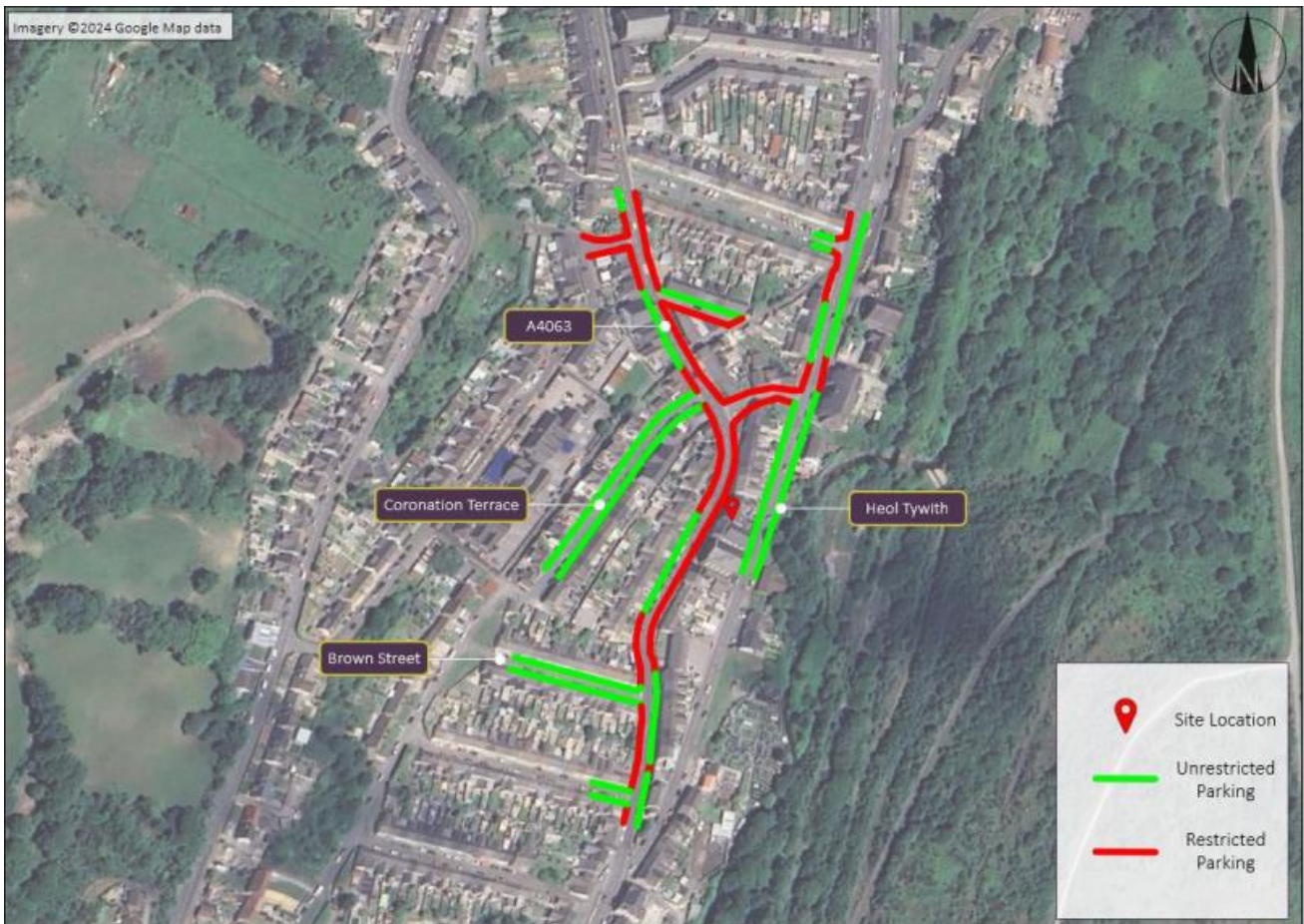
Policy SP5 states '*Development must be located and designed in a way that minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, education, local services and community facilities. Development must also be supported by appropriate transport 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 was supported by a Transport Impact Assessment (**TIA**) which outlined the transport and highways characteristics of the proposed development and how it would accord with relevant local and national policies. It also examined parking provision, servicing arrangements and access.

The TIA noted that the closest bus stops were located on the direct frontage of the site on the High Street. These bus stops provide users with direct access to Bridgend, Cymmer, Neath and Port Talbot.

The Maesteg railway station is circa 1.4km from the site which is an approximately 19-minute walk. The railway station forms a terminus providing services to Bridgend, Cardiff, Swansea and beyond.

A number of objectors raised concerns with the availability of on-street parking in the vicinity of the site. The TIA addendum helpfully provided a figure showing parking availability within circa 200m of the site:



The Council's Highway Officer has assessed the proposal, and it is noted:

'Further to the Highway Authority's (HA) initial comments regarding highways and transportation, I have considered the addendum and additional information the applicant has submitted.

The revised Transport Assessment (TA) noted the HA's comments and has addressed each point to the satisfaction of the HA. IT is now clear that the traffic generated by the development are well below the levels for a material impact and therefore will not generate additional vehicles movements to the detriment of the free flow of traffic in the local area.

Similarly, the TA has evidenced that should each resident own a vehicle there is adequate on-street parking within 200m of the site which is not restricted and if used would not cause a highway obstruction. It goes further to show that car ownership is lower for this type of residential accommodation. However, the drawing shows 5 spaces with one space partially obstructing the footway which is not acceptable. Therefore, I have requested a condition which requires a scheme of parking which does not obstruct the footway.

The TA acknowledges that the junction layout in close proximity to the site has a history of minor and slight accidents, which is likely due to the convergence of approach roads and reductions in visibility. However, the junctions roads are physically constrained by private dwellings and as such no mitigation can be undertaken to improve the situation. In addition, it is noted that the development will increase traffic volumes by 0.23% in a worst case scenario and therefore wouldn't be reasonable for this development to provide mitigation for an existing situation.

In order to meet the requirements of the Active Travel Act, it is noted that the footway serving the site on Heol Tywith is obstructed by parked cars on the western side and as

such means that future residents will be required to cross the road to the unobstructed footway on the eastern side of Heol Tywith. In addition, the local surgery is on the opposite side of the road to the development, therefore a scheme for a set of dropped kerbs and tactile paving will be required to improve walking routes from the site.

*Finally, it is noted that in the applicant's own transport assessment, they evidence that that car ownership will be lower for this type of residential development. Therefore, it is imperative to meet both local and national planning policy and legislation to ensure that sustainable modes of transport are a viable option. To that end the public transport facilities to the front and south of the site are in need of improvement and to aide their attractiveness to the future residents of this development **the applicant should enter into a Section 106 agreement to provide a financial contribution of £3,000 prior to the granting of any consent. Such funding will facilitate the improvements required such as a new bus shelter as directed by the Public Transport Officer of the Highway Authority.***

As a result of the above, the HA offer 'No Objection' subject to conditions:

It should be acknowledged that the site is located in a sustainable location well positioned in terms of public bus services. Furthermore, the Maesteg railway station is a suitable walking distance from the property should residents chose to use those services. The proposed HMO would be afforded five on-site carparks should residents seek to park vehicles on the property. The Highways Officer has confirmed that there is adequate on-street parking within 200m of the site which is available should there be a demand.

On balance it is considered that subject to the imposition of suitable conditions and the provision of a financial contribution towards a new bus shelter, 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 Replacement Local Development Plan (2024)

Waste Management

Policy ENT15 – Waste Movement in New Development of the RLDP requires all proposals for new built development must include provision for the proper design, location, storage and management of waste generated by the development both during construction and operation of the site. Development must incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

The plans submitted indicate that the HMO will be provided with a waste and recycling area at the side of the property. While this location is close to High Street, it would be difficult to access from the communal ground floor kitchen. Accordingly, it may be preferable to provide waste storage facilities at the rear of the property with access to Heol Tywith assuming that waste collection services are available from this location. Alternative and more suitable facilities can be requested and approved by a condition of planning consent to ensure that the proposal is compliant with Policy ENT15 of the RLDP.

Flood Risk

Policy DNP9 Natural Resource Protection and Public Health of the LDP specifies that: *'Development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to:*

9) Any other identified risk to public health or safety.

Policy DNP9 notes that *'All development in flood risk areas must be supported by a Flood Consequences/Risk Assessment and incorporate any mitigation measures required to avoid or manage increased flood risk.'*

Technical Advice Note (TAN) 15 provides guidance in relation to development and flooding, to supplement the policy set out within Planning Policy Wales (PPW). The aim of the framework is to direct new development away from areas which are at a high risk of flooding while defining the vulnerability of uses and requiring justification for the siting of more vulnerable uses in areas of higher risk.

The Flood Consequence Assessment (**FCA**) submitted with the Application notes that the Llynfi River, a Natural Resources Wales (NRW) designated Main River flows in a southerly direction approximately 25m east of the site.

The FCA identifies that the risk of surface water flooding is indicated to be High Risk. Groundwater flooding is assessed to be Medium Risk. Fluvial flooding and flooding from artificial sources is considered to be Low Risk. Tidal flooding is deemed to be Very Low Risk and flooding from reservoirs is considered Negligible.

The Natural Resources Wales Flood Risk Map confirms that the Application site is situated within Zone C2 of the Development Advice Maps. However, at this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the Application site to be in Flood Zone 1, meaning there is less than a 1 in 1000 year (0.1% AEP) chance of flooding in a given year.

Natural Resources Wales have advised that on the basis of the site being located in Flood Zone 1 *'we have no objection to the application as submitted. We recommend consultation with the Lead Local Flood Authority on this proposal. They will be able to advise on matters such as the risks of surface water flooding and on the culvert which our records indicate runs through the site'*.

On balance and given the above advice, the Application is deemed to be acceptable in this regard and in accordance with Policy DNP9 of the Replacement Local Development Plan (adopted 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 modest 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 that the proposed bird and bat boxes are 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 Replacement Local Development Plan (adopted March 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 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.

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, SF1, PLA11, COM6, COM7, ENT15, DNP6 and DNP9 of the Bridgend Replacement Local Development Plan (2024).

The Application is therefore considered to be acceptable and is recommended for approval subject to the Applicant entering into and completing a Section 106 Agreement to provide a financial contribution of £3,000 prior to the granting of any consent. Such funding will facilitate the improvements required such as a new bus shelter as directed by the Public Transport Officer of the Highway Authority.

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

- A. The Applicant enters into a Section 106 Agreement to provide a financial contribution of £3,000 to facilitate the improvements required such as a new bus shelter on High Street as directed by the Public Transport Officer of the Highway Authority.

- B. The Corporate Director Communities be given delegated powers to issue a decision notice granting conditional consent in respect of this proposal once the Applicant has entered into the aforementioned Section 106 Agreement:-

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 and documents:

S-10 CONCEPT LOWER GROUND FLOOR PLAN

S-11 CONCEPT GROUND FLOOR PLAN
S-12 CONCEPT FIRST FLOOR PLAN
S-13 CONCEPT LOFT PLAN
S-14 CONCEPT ROOF PLAN
S-15 CONCEPT FRONT AND REAR ELEVATIONS
S-16 CONCEPT SIDE ELEVATIONS
S-17 CONCEPT SECTION
TRANSPORT IMPACT ASSESSMENT AND ADDENDUM
FLOOD CONSEQUENCE ASSESSMENT

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

2. The premises shall be used as a house in multiple occupation accommodating a maximum of 12 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. Notwithstanding condition 1, no development work shall take place until details of the proposed carport and amenity terrace have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the beneficial use of the HMO and shall be thereafter retained and maintained in perpetuity.

Reason In the interest of the visual amenity of the area and to ensure that the development complies with Policy SP3 of the of the Bridgend Replacement Local Development Plan (2018-2033).

4. The cycle storage unit and integral cycle stands scheme shall be provided before the development is brought into beneficial use and retained for cycle parking purposes 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 Replacement Local Development Plan (2024), and advice contained within Supplementary Planning Guidance SPG17: Parking Standards.

5. 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 the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow:

- 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

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 Replacement Local Development Plan (2024).

6. Notwithstanding the submitted plans, no development shall commence until a scheme for the provision of 5 off street parking spaces has been submitted to and approved in writing by the Local Planning Authority. The parking scheme shall be implemented and the parking area completed in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety and to accord with Policy SP5 of the Bridgend Local Development Plan (2024).

7. No development shall commence until a scheme for a dropped kerb and tactile paving pedestrian crossing has been submitted to and approved in writing by the Local Planning Authority. The agreed pedestrian crossing point shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway and pedestrian safety and to promote active travel from the site and to accord with Policy SP5 of the Bridgend Replacement Local Development Plan (2024).

8. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the car port vision splay areas at any time.

Reason: In the interests of highway safety and to accord with Policy SP5 of the Bridgend Local Development Plan (2024).

9. Notwithstanding condition 1, no development work shall take place until a scheme of waste and recycling management for the property has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a suitably located, screened and managed area(s) for waste and recycling. The approved scheme shall be implemented in accordance with the approved details and shall be thereafter retained in perpetuity.

Reason To ensure that adequate waste and recycling facilities are provided in accordance with Policy ENT15 of the of the Bridgend Local Development Plan (2018-2033).

10. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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 County Borough Local Development Plan (2018 - 2033)

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, 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 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 conversion of the property should be completed in accordance with Building Regulations to ensure correct fire safety measures are in place. The property will require a HMO Licence and will need to meet the relevant standards for HMO's within Bridgend. Once the development is complete the owners should contact Shared Regulatory Services on 0300 123 6696 to apply for the appropriate HMO Licence.

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. Welsh Water advisories

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.

e. Chief Fire Officer advisories

The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances as part of this development.

f. Land Drainage advisories

The application form states foul water will be disposed of via the main sewer, as existing. No foul drainage layout has been provided. The applicant shall contact DCWW to confirm any changes or new connections to the public sewer.

The application form states surface water will be disposed via soakaway and

sustainable drainage system. No surface water drainage layout has been provided, however given the age of the property it is anticipated that surface water will be disposed to the public sewer. As no external modifications are proposed no further surface water consideration is required.

As the development involves the conversion of an existing building with no external modifications to the footprint no SAB application is required.

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

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

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None