

## RECOMMENDATION : GRANT WITH CONDITIONS

**REFERENCE:** P/15/55/FUL

**APPLICANT:** MRS KAREN AJAX-LEWIS  
NEW STREET SURGERY 3 NEW STREET ABERKENFIG

**LOCATION:** NEW STREET SURGERY 1-3 NEW STREET ABERKENFIG  
BRIDGEND

**PROPOSAL:** CHANGE OF USE OF No.1 NEW STREET TO FORM LARGER  
SURGERY & TWO STOREY EXT WITH REAR PARKING SPACE

**RECEIVED:** 27th January 2015

**SITE INSPECTED:** 10th February 2015

### APPLICATION/SITE DESCRIPTION

The proposal seeks to expand the neighbouring surgery premises by amalgamating it with an adjoining premises to enhance the quality of the existing facility and the range of services it provides. The amalgamation would involve the change of use of a residential property to a surgery and the construction of side and rear extensions. The site comprises a former dwelling, which forms one unit of a pair of semi-detached properties. The adjoining property is currently in residential use. The surrounding area is primarily residential in nature, although there is also a church close to the site.

The proposed two-storey extension would partially replace an existing single-storey extension and would measure 8m x 5m, finished with a pitched roof, reaching maximum heights of 4.8m (eaves) and 7.2m (ridge). Attached to the two-storey extension would be a single-storey extension measuring 3.5m x 8m, finished with a mono-pitched roof, reaching a maximum height of 2.5m (eaves) and 4.3m (ridge).

The eastern side elevation of the site contains the original part of the surgery. It is proposed to construct a single-storey infill extension to create a lobby which would be immediately in-front of the existing entrance to the surgery. The existing entrance already contains a covered lobby, however, this would be replaced by a permanent structure of similar dimensions, being 2.5m x 2m, finished with a mono-pitched roof, reaching a maximum height of 2.7m (eaves) and 3.8m (ridge).

The scheme also proposes to enlarge the existing single-storey rear extension. This extension would provide toilet facilities for patients. Its overall dimensions would be 7m x 3.5m, finished with a pitched roof, reaching a maximum height of 2.4m (eaves) and 4.2m (ridge).

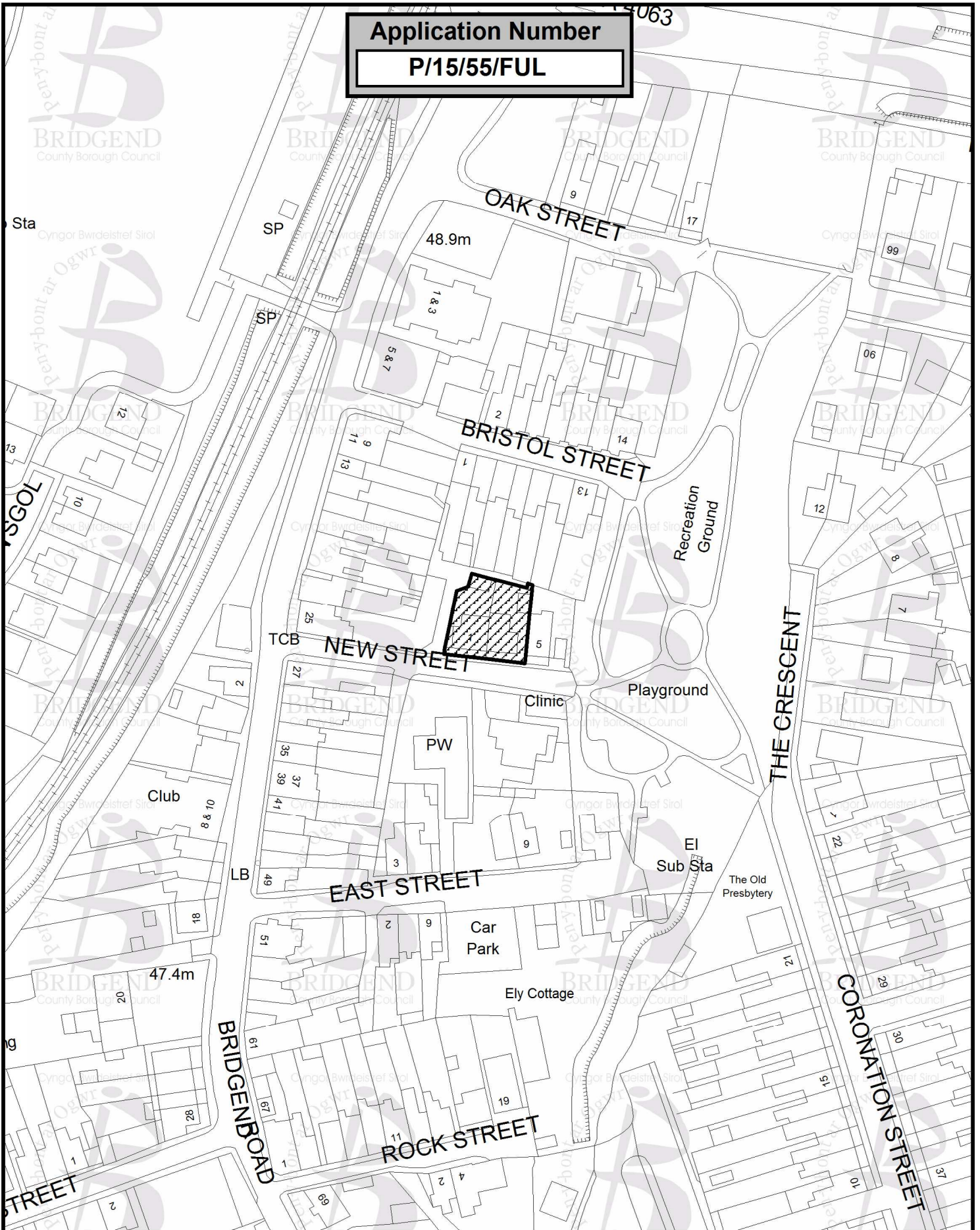
The final aspect of the scheme is to demolish the existing detached garage to the rear of 1 New Street and provide one off-street parking space.

Initial pre-application advice was sought concerning this proposal in 2013 (PE/00534/2013 refers). This involved a site meeting with the Case Officer and the Transportation Development Control Officer. Whilst informal advice was given in the context of the Bridgend Unitary Development Plan (BUDP), not the adopted Bridgend Local Development Plan (BLDP), it is considered that the bulk of the content remains relevant to this submission.

A planning application was subsequently submitted in early 2014 and determined under Officer delegated powers (P/14/199/FUL refers). This scheme was refused on three highway grounds:

Application Number

P/15/55/FUL



Scale 1:1,250

Date Issued:  
04/06/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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1. The proposed additional use of the substandard access known as New Street (in both primary vehicular and pedestrian access terms) will create increased traffic hazards to the detriment of highway safety and the free flow of traffic.
2. In the absence of adequate off street parking facilities the development will generate additional on street parking along the substandard access known as New Street and the surrounding constrained roads/streets to the detriment of highway safety and the free flow of traffic.
3. The proposed development will generate additional vehicular turning movements at the substandard Bridgend Road/New Street junction, creating further traffic hazards to the detriment of highway safety and the free flow of traffic.

This latest application is identical to that submitted under P/14/199/FUL apart from additional information being submitted in an attempt to overcome the previous highway-related objections.

## RELEVANT HISTORY

**P/14/199/FUL** REFUSED 17-07-2014  
CHANGE OF USE OF No.1 NEW STREET TO FORM LARGER SURGERY & TWO STOREY  
EXT WITH REAR PARKING SPACE

## PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 26 February 2015.

## NEGOTIATIONS

None.

## CONSULTATION RESPONSES

### Town/Community Council Observations

Notified on 30th January 2015

No adverse comments to make on the proposal, but wish to be supportive.

### Councillor M Winter

Requests that the application is referred to Committee due to concern over increased traffic at this location. Requests a Site Panel visit since the applicant maintains that there will be no increase in traffic which has been stated within the submission.

## REPRESENTATIONS RECEIVED

### R & F Bale, 5 New Street

Objects to the proposal but does not request to speak at Committee:

1. Highway/Pedestrian safety, traffic and parking.

**Karl Stephens, 5 Bristol Street**

Objects to the proposal but does not request to speak at Committee:

1. Overshadowing.
2. Increased footfall/patients to the premises.
3. Highway/pedestrian safety, traffic and parking issues (refers to the Road Traffic Act 1988, Highways Act 1980 and the Town and Country Planning Act 1990).
4. The scheme would be contrary to the Human Rights Act 1998 specifically Part 1 Articles: 2 Right to Life, 8 Right to respect for private and family life and Part 2 Article 1 Protection of property.

**Irene Delday, 19 Bridgend Road**

Objects to the proposal but does not wish to speak at Committee:

1. Highway/Pedestrian safety, traffic and parking.

**COMMENTS ON REPRESENTATIONS RECEIVED**

1. Lack of parking, increase in traffic, disruption and detrimental to highway/pedestrian safety.

Refer to the 'Comments on Representations Received' and 'Appraisal' Sections of the report.

This planning application is determined in accordance with the provisions of the Town and Country Planning Act 1990, whilst other highway-related matters are governed under separate legislation.

The lane to the side of the proposed surgery expansion is unadopted and appears to be private. Unauthorised use of this lane is a private matter between the interested parties.

2. Overshadowing to 5 Bristol Street.

Neighbouring properties from Bridgend Road and Bristol Street would generally be over 21m away from the application property and the proposed two-storey extension.

The rear of the site backs onto the rear gardens of properties along Bristol Street. Several of these properties have garages/outbuildings located at the bottom of the garden and near to the application site. It would also appear that they benefit from long rear gardens and many have extended their properties with two-storey extensions. Given the built-up nature of this part of Aberkenfig, it is not considered that the proposed two-storey extension of this scale, design, appearance and in this particular location, would have any significant adverse effect on these properties, with particular regards to dominance and loss of light, outlook and privacy.

3. Impact on Human Rights

The general purpose of the Human Rights Act 1998 is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The Local Planning Authority is satisfied that it has considered the Act during the assessment of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

## APPRAISAL

This application is referred to Committee at the request of the local Member and due to three objections being received from local residents. A Site Panel Meeting was held on 29 April 2015. In attendance was Cllr. Winter, Cllr. Townsend and the applicant. The application was deferred from Committee on 30 April to enable further consideration to be given to highway-related matters.

The proposal seeks to expand the neighbouring surgery premises by amalgamating it with an adjacent premises to enhance the quality of the existing facility and the range of services it provides. The amalgamation would involve the change of use of a residential property to a surgery and the construction of side and rear extensions.

This proposal, in principle, is deemed to be in accordance with Policies SP13 and COM8 of the adopted Bridgend Local Development Plan (BLDP) which is concerned with retention, enhancement and benefits to health and well-being facilities.

Notwithstanding the acceptability of the proposal in principle, the proposal must satisfy all other planning policies, guidelines and material planning considerations.

This submission is virtually identical to that previously submitted under application P/14/199/FUL, in which it was concluded that subject to conditions, the development would not have any adverse effect on the visual amenities of the area or on the residential amenities of neighbouring properties. Since the determination of that application, there has been no significant change in the circumstances of the site or in terms of planning policy. It is, therefore, concluded that these matters have been previously assessed under the previous application and do not require revisiting.

The main consideration of this scheme relates to the impact of the development on parking and other highway-related matters. This is due to the refusal of application P/14/199/FUL purely on three highway-related grounds recommended by the Group Manager Transportation and Engineering (Highways) and echoed by several local residents who objected to the previous and latest application on highway primarily safety and parking issues. The reasons for refusing application P/14/199/FUL are outlined under the 'Application/Site Description' section of the report.

In respect of this latest submission, additional information has been submitted to address the previous reasons for refusal. This information includes:

1. Traffic Survey
2. A revised Design and Access Statement
3. A supporting statement attempting to balance the highway-related issues with the benefits that the proposed development would bring to the community
4. A petition signed by approximately 1118 signatories requesting the Council to review their previous refusal of application P/14/199/FUL.

Additionally, this latest submission provides a case in support of the proposal, which outlines the need for the expansion of the surgery and the community benefits that this would bring to the locality. It also explains that the surgery has considered re-locating, however, they have been unable to locate a suitable site or premises.

Following discussions with the Practice Manager it has been clarified that, on any given day, the maximum number of employees working at the surgery is 9. This consists of the following:

- 3 Doctors
- 2 Part-time nurses
- 1 Practice Manager

2 Receptionists  
1 Administration Assistant

It is understood that the proposed expansion of the surgery would not result in any increases in the number of doctors or nurses working within the building on any given day. Furthermore, the Practice Manager and the Planning Agent have reiterated that the expansion of the surgery would not result in any significant increase in patient numbers and that the aim of this scheme is to improve the facilities available for current patients. It was evident during the site visit that the internal spaces within the existing surgery are extremely constrained.

Whilst it is not considered practical to impose a condition to limit patient numbers, it is considered possible to impose a condition to limit the number of doctors and nurses working within the expanded surgery on any given day. The imposition of such a condition would, in effect, limit any significant increase in the patient numbers registered at the surgery whilst enabling greater floorspace to be made available within the surgery.

In addition to the above, the expanded surgery would be considered as a new planning unit, thereby enabling further conditions to be imposed to limit the functionality of the surgery, in the interests of highway safety and the residential amenities of neighbouring properties. In this respect, conditions would be imposed to limit the use of the premises to a surgery only and limit the opening times to 8am-6:30pm Monday-Friday.

Subject to the above-mentioned conditions, it is not considered that the scheme would result in any significant increases in on-street parking, nor would it unreasonably intensify the use of the access and the amount of vehicular movements at the Bridgend Road/New Street junction. It is, therefore, considered that this scheme overcomes the original objections made by the Group Manager for Transportation and Engineering (Highways) and the new planning unit would not have any unreasonable adverse effect on the amenities of neighbouring properties.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety, and visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

## **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 (received 27 January 2015):

Proposed Site Plan  
Proposed Ground Floor Plan  
Proposed First Floor  
Proposed East/South Elevations  
Proposed West/North Elevations

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

- 2 The expanded premises shall be used as a surgery and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory

instrument revoking and re-enacting that Order.

Reason: In the interests of highway safety, amenity and for the avoidance of doubt and confusion as to the extent of the permission hereby granted.

- 3** The enlarged surgery shall be limited to a maximum of 3 Doctors and 2 Nurses practicing within the premises at any given time.

Reason: In the interests of highway safety.

- 4** The new surgery, hereby permitted, shall not be open to patients outside the following times:

Mondays - Fridays 08:00 - 18:30

And not at all on Saturdays, Sundays or Bank Holidays.

Reason: In the interests of highway safety and residential amenity.

- 5** The window facing 5 New Street, serving the "Waiting Area" on the ground floor, as shown on drawing "Proposed Ground Floor" (received 27 January 2015), shall be fitted with obscure glazing to a minimum of level 3 on the Pilkington index of obscurity. The window shall be fitted prior to the beneficial use of the extension hereby approved and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities

- 6** Prior to the beneficial use of the surgery as extended, the parking space shall be completed in permanent materials, in accordance with the layout shown on drawing "Proposed Site Plan" (received 27 January 2015).

Reason: In the interests of highway safety.

**\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

a. This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety, and visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. The applicant is advised to contact the Authority's Ecology/Biodiversity Team on (01656) 643667 if bats are encountered. All bats are protected by law, and where there is a likelihood that a bat roost may be present a survey should be carried out and evidence of bat occupation or their absence should be established.

c. The applicant/developer is advised that all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Protection should be given to all nesting birds during any works and to proceed with caution, especially during the bird nesting season (early March to late July). Section 1 of the Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None