

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 24 JULY 2014**

### **BRIDGEND COUNTY BOROUGH COUNCIL**

#### **REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES ON PLANNING APPLICATIONS**

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

#### **AGENDA FOR PLANNING APPLICATIONS**

<b><u>ITEM NO.</u></b>	<b><u>APPLICATION NUMBER</u></b>	<b><u>APPLICATION ADDRESS</u></b>	<b><u>RECOMMENDATION</u></b>
1	P/14/344/FUL	FORMER CHURCH HALL CHURCH TERRACE BLAENGARW	RETROSPECTIVE GRANT
2	P/14/263/FUL	GARN INN ALMA ROAD MAESTEG	GRANT WITH CONDITIONS
3	P/14/343/FUL	FORMER CHURCH HALL CHURCH TERRACE BLAENGARW	GRANT WITH CONDITIONS
4	P/13/740/FUL	2 WELL COTTAGES COYCHURCH	GRANT WITH CONDITIONS
5	P/13/579/OUT	LAND OFF WATERTON LANE WATERTON	GRANT WITH CONDITIONS
6		APPEALS	
7		BRIDGEND PERFORMANCE	
8		TRAINING LOG	

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

#### **STANDARD CONDITIONS**

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

##### Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

##### Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

##### Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

##### Recommendation:

That Members note the requirements of the Act to impose time limits when granting planning permission for all new developments.

#### **STANDARD NOTES**

- a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 24 JULY 2014**

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:-  
<http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the exchange of correspondence in a limited number of cases. The following amendments should require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 24 JULY 2014**

- changes to the site area;
- changes which conflict with a condition;
- additional or repositioned windows / doors / openings within 21m of an existing building;
- changes which alter the nature or description of the development;
- new works or elements not part of the original scheme;
- new works or elements not considered by an environmental statement submitted with the application.

As a general rule it is considered that if an amendment warrants re-consultation, it should not be regarded as minor, and, therefore, not considered without a fresh application.

- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).
- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

### **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

#### **Purpose**

#### **Fact Finding**

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

#### **Request for a Site Visit**

#### **Ward Member request for Site Visit**

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits can not be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

#### **Inappropriate Site Visit**

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

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## **Format and Conduct at the Site Visit**

### **Attendance**

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

### **Officer Advice**

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

### **Code of Conduct**

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

### **Record Keeping**

A file record will be kept of those attending the site visit.

### **Site Visit Summary**

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

### **Frequently Used Planning Acronyms**

AONB	Area Of Outstanding Natural Beauty	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	TAN	Technical Advice Note
FCA	Flood Consequences Assessment	TIA	Transport Impact Assessment
GPDO	General Permitted Development Order	TPN	Telecommunications Prior Notification
LB	Listed Building	TPO	Tree Preservation Order
LBC	Listed Building Consent	UCO	Use Classes Order
LDP	Local Development Plan	UDP	Unitary Development Plan
LPA	Local Planning Authority		

**ITEM:**

1

**RECOMMENDATION :  
RETROSPECTIVE GRANT**

**REFERENCE:** P/14/344/FUL

**APPLICANT:** MS FRANCES MCSHANE  
ST JAMES CHURCH 2 CHURCH TERRACE BLAENGARW BRIDGEND

**LOCATION:** FORMER CHURCH HALL CHURCH TERRACE BLAENGARW  
BRIDGEND

**PROPOSAL:** 12 NO. VELUX WINDOWS

**RECEIVED:** 14th May 2014

**SITE INSPECTED:** 19th May 2014

#### **APPLICATION/SITE DESCRIPTION**

This application was initially considered by Committee on 26th June 2014 when it was resolved to defer a decision to enable the site to be inspected by members. My original report to Committee is reproduced below.

The application seeks retrospective consent to retain 12 velux roof lights installed in both roof planes of an existing gymnasium building located on the south western side of Church Terrace, Blaengarw. There are six on each side.

The applicant has accompanied the submission with documentation indicating that the roof lights were installed in late 2010, early 2011. It has been clarified that the works were undertaken in the belief that roof lights did not require planning permission following reference to the Planning Portal. Regrettably the applicant did not realise that the regulations he viewed in respect of roof lights related to domestic properties only. It has been further clarified that the installation was undertaken as part of the re-roofing on the building, which was in an extremely poor state of repair when the premises were purchased in 2010.

#### **RELEVANT HISTORY**

##### **P/14/343/FUL**

##### **CHANGE OF USE OF ONE ROOM TO BEAUTICIANS**

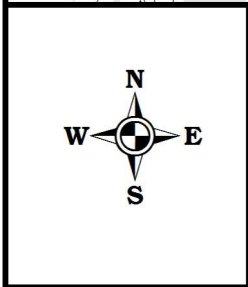
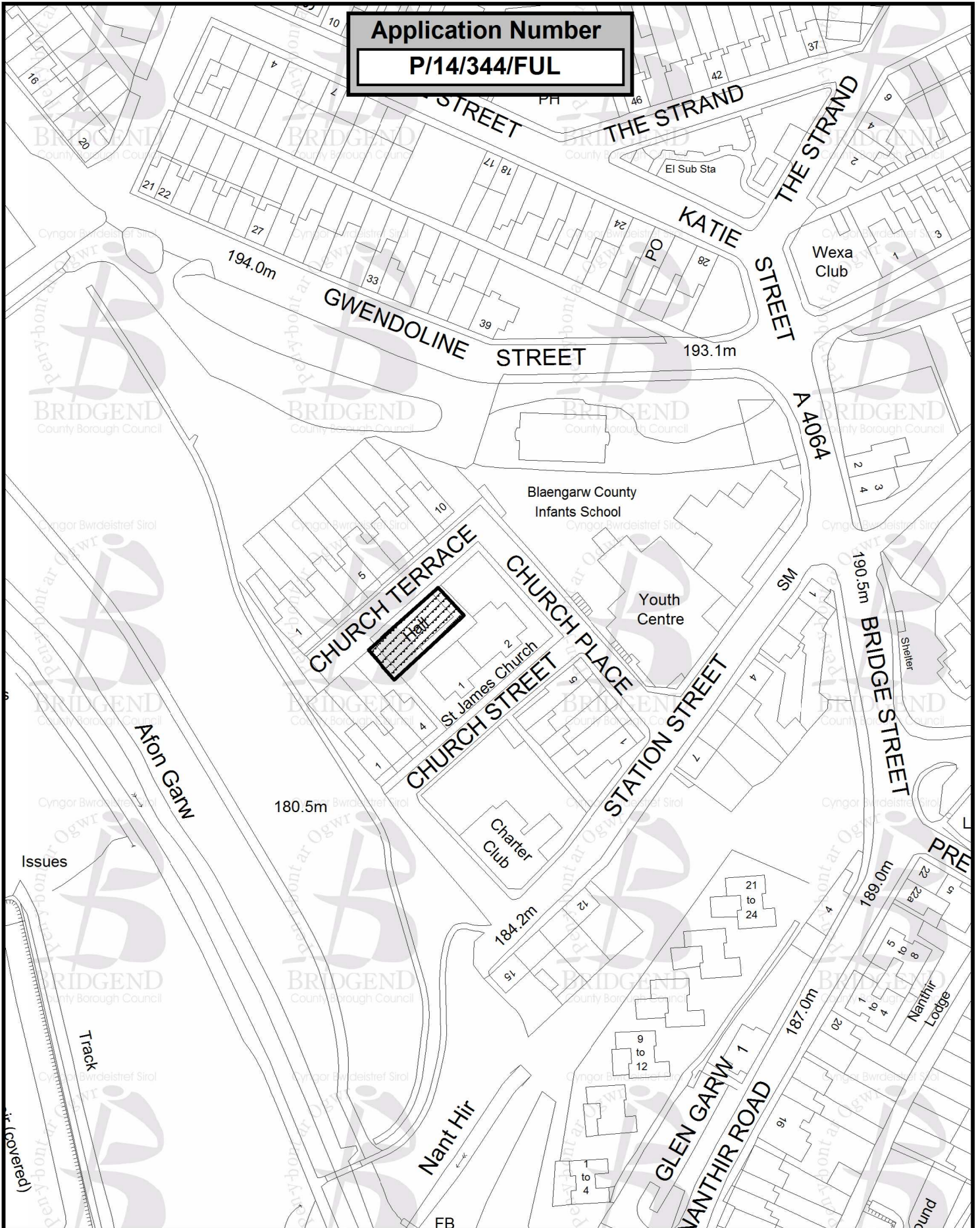
None although companion application P/14/343/FUL in respect of the change of use of one room to a beauticians is also reported to this Committee.

#### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

Application Number

P/14/344/FUL



**Scale 1:1,250**

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**Date Issued:**  
17/07/2014

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**Development-GIS Team**  
Tel: 01656 643176

**Mark Shephard**  
Corporate Director-Communities

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

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Committee DC Plan

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The period allowed for response to consultations/publicity expired on 13th June, 2014.

### **NEGOTIATIONS**

None

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 16th May 2014

### **REPRESENTATIONS RECEIVED**

#### **David Chambers, 7 Church Terrace**

The stripping of the roof and installation of velux windows has destroyed the roosting habitat of at least two types of bats - the Common pipistrelle and the Soprano pipistrelle.

The velux windows are not suitable on the facade opposite Church Terrace as they enable direct views into the bedrooms opposite in Church Terrace causing a loss of privacy and neighbours now having to keep window covers shut throughout the day as the Fitness Club is open from 6am to 10pm.

The velux windows are opened to allow fresh air into the second floor gym space whereby loud music has already been played by the occupants causing unreasonable noise levels.

#### **Stuart Roberts & Kelly Davies, 5 Church Terrace**

Objects to the proposals for the reasons outlined below:-

The velux windows are overlooking our property and can see straight into our bedrooms, one of which is occupied by my 6 year old daughter. I feel I can't open my blinds full because I don't know who will be in the gym and able to look across. It has affected us in a way we have no privacy.

#### **Rowland Jones, 8 Church Terrace**

1. The velux windows were installed quite a while ago and are invading our privacy overlooking our bedroom windows.
2. Noise from the club, traffic back and fore.
3. Not always able to park outside own house because of other vehicles from club.
4. Vehicles trying to park in the street near the club.

#### **The Owner And/Or The Occupier, 1 St James Church**

supports the application.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections received from nearby residents:-

Parking - One resident has expressed concern in respect of parking issues but as the application relates to the retention of roof lights, this issue is not relevant to the consideration of the planning merits of the development.

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Noise - As with the companion application P/14/343/FUL objectors have highlighted problems when the roof lights are open during exercise sessions in the first floor gymnasium and loud music is being played. The issue of whether the music constitutes a noise nuisance would be a matter to be assessed by the Public Protection Department. It is suggested that an advisory note highlighting the need for users of the gymnasium to be more considerate of neighbouring residents could be attached to any consent that the Authority may be minded to grant.

Privacy - This appears to be the primary concern in that six of the roof lights are directly opposite habitable room windows in the front elevation of Nos 3 - 7 Church Terrace. Residents consider that the relationship allows views directly into first floor bedroom windows in their homes. In addition to the information confirming that the roof lights were installed almost four years ago, it has been confirmed that they have been fitted with internal blinds. It is considered that in view of the distance across the street and the angled view that could be gained from the roof lights that the degree of overlooking and loss of privacy would not be so significant as to warrant refusal for this reason. It is also noted that local residents have not complained or brought this issue to the attention of the Local Planning Authority previously. As with the issue of noise, it is suggested that an advisory note highlighting the need for users of the gymnasium to be more considerate of neighbouring residents could be attached to any consent that the Authority may be minded to grant.

Renovation works - Objectors have suggested that during the renovation of the building, bats, which are a European Protected Species, were disturbed. This would be a matter that would need to be referred to the Police and the Local Planning Authority has no jurisdiction on such an issue.

### **APPRAISAL**

The application is reported to Committee to consider the objections raised by local residents.

The application seeks retrospective consent for the retention of 12 velux roof lights which have been installed (six each side) in both roof planes of the existing building on the south eastern side of Church Terrace. The building appears, at one time, to have been the Church Hall associated with St. James Church and was operated as a Boxing Club. The applicant has submitted documentation indicating that following his purchase of the premises in 2010, the building was re-roofed, including the installation of the roof lights and general refurbishment undertaken. Subsequently the use of the premises has changed to a gymnasium but this did not require formal planning permission.

Policy SP2 of the Bridgend Local Development Plan requires that all development should contribute to creating high quality, attractive sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria against which a development's design should be assessed, however, given the scale of this development, only a few of the criteria are applicable. It is considered that criteria 2 & 3 are probably the most relevant requiring:-

2. Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character;
3. Being of an appropriate scale, size and prominence.

In this case the building has been re-roofed in slate and the roof lights installed with a dark metal frame and fitted with a duo blackout blind that comprised a semi-opaque pleated blind to diffuse light and a black-out element that completely blocks light. It is considered that in visual terms, the



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installation does respect both the building and the character of the area. The roof lights are relatively modest in size and have been fitted on the lower part of the roof just above the eaves. It is therefore considered that the development is compatible with development plan policy. Notwithstanding the objections raised by local residents, which appear to relate in the main to the use of the building rather than the development, the subject of the application, it is considered that approval can be recommended.

During the processing of the application, Policy SP2 of the Bridgend Local Development Plan was considered.

### **CONCLUSION**

The application can be recommended for approval as the development complies with Government and Council Policy and does not adversely impact on the visual amenities of the area or so significantly impact on the privacy and residential amenities of neighbouring properties as to warrant refusal of the scheme.

### **RECOMMENDATION**

(R63) That permission be GRANTED

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application can be recommended for approval as the development complies with Government and Council Policy and does not adversely impact on the visual amenities of the area or so significantly impact on the privacy and residential amenities of neighbouring properties as to warrant refusal of the scheme.

(b) The owner of the building is recommended to remind occupiers/operators within the premises to be more considerate to local residents particularly if opening the roof lights when playing music and closing the blinds during use in the early mornings and late evenings thereby preventing noise nuisance and loss of privacy to the properties in Church Terrace.

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**ITEM:**

**2**

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

**P/14/263/FUL**

**APPLICANT:**

**MR MAKHAN  
31 HIGH STREET CEFN COED MERTHYR TYDFIL**

**LOCATION:**

**GARN INN ALMA ROAD MAESTEG**

**PROPOSAL:**

**WIDEN MAIN ENTRANCE DOORWAY**

**RECEIVED:**

**14th April 2014**

**SITE INSPECTED:**

**8th May 2014**

**Application Number**

**P/14/263/FUL**



**Scale 1:1,250**

**Date Issued:  
17/07/2014**

**Development-GIS Team  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
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## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

### **APPLICATION/SITE DESCRIPTION**

The application site consists of a vacant public house located on the corner of Alma Road, Maesteg.

The scheme originally sought consent for a shopfront, however, on receipt of amended plans, this application seeks planning consent solely for the widening of the front doorway of the building.

### **RELEVANT HISTORY**

**P/07/1069/FUL** APPROVED 10-10-2007  
PROPOSED FLAT ROOFED SMOKING SHELTER TO REAR OF PUBLIC HOUSE

**P/96/98/FUL** APPROVED 12-03-1996  
NEW TOILET FACILITIES AND  
GAMES ROOM

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 17 July 2014.

### **NEGOTIATIONS**

None.

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 22nd April 2014  
Supports the proposal.

#### **Councillor R Thomas**

Objects to the proposal:

1. Detrimental to visual amenity
2. Noise/Disturbance from security shutters
3. Illuminated Fascia Sign
4. Change of use to a shop
5. Detrimental to highway/pedestrian safety

#### **Group Manager Public Protection**

No observations to make on the proposal.

#### **Head Of Street Scene (Highways)**

No objections to the proposal.

#### **Councillor C Reeves**

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Objects to the proposal:

Very concerned - this will affect the visual identity of the street, this is a traditional Victorian pub at the end of a Victorian street, this would completely destroy the identity of this area. This would materially impact the look of the area, the present set up matches well with the connected terraced houses

### **REPRESENTATIONS RECEIVED**

#### **M Jenkins, 55 Garn Road**

Supports the proposal.

Objections have been received from the following residents:

4, 12a, 20, 28, 48, 53a Garn Road  
20, 23, 25, 28, 35 Station Street  
1a, 21c, 51, 52, 64 Alma Road  
68 Bethania Street  
39 Princess Street  
9 Park Street  
9 Bridge Street  
28 Maesteg Row  
38 St. Cynwyds Avenue  
4 St Michaels Road  
1a Llwyn Gwern (Pencoed)  
27 Heol Wil Hopcyn (Llangynwyd)

The following residents have requested to speak at Committee:

20 Station Street  
1a Alma Road  
4 Garn Road  
1a Llwyn Gwern

The objections have been summarised as follows:

1. Change of use to a shop
2. Parking and Highway/Pedestrian safety
3. Nuisance and Noise/Disturbance
4. Vermin
5. Culvert under the building
6. Loss of a public house
7. Community safety, crime and the shop would attract undesirables
8. Works being detrimental to visual amenity
9. Works already undertaken to the boundary wall
10. Devaluation of property
11. Proposal detrimental to the health of neighbouring residents
12. No justification for the need of a shop
13. No details for waste, storage and collection

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14. Proposed adverts on the building
15. Job security
16. References to a separate application made to the Licensing Department of the Council

### **COMMENTS ON REPRESENTATIONS RECEIVED**

In response to the objections received, the application seeks consent solely for the widening of the front doorway of the building.

Planning permission is not required for the change of use of the building from a public house to a shop. Therefore, any objections associated with the use of the building as a shop cannot be considered during the determination of this particular planning application.

In this regard and given the nature of the proposal, it is considered that the majority of the objections received are not material considerations in the determination of this particular application.

The appraisal section of the report assesses the merits of the scheme, however, it is considered that the widening of the doorway does not raise any overriding visual or residential amenity or highway safety matters so as to warrant refusal.

The comments made in relation to works undertaken to the boundary wall are subject to separate investigation by the Enforcement Section and, as such, is not considered as part of this application.

### **APPRAISAL**

The revised scheme solely involves widening the existing front door of the building.

The scheme is assessed against Policy SP2 of the adopted Bridgend Local Development Plan which establishes the criteria for design and sustainable place making.

Whilst the development materially alters the external appearance of the building, the plans demonstrate that the symmetry and character of the building would be largely retained. This is a building which is included on the draft list of local buildings of architectural or historic interest and the Conservation and Design Team has no objections to the proposal. It is, however, considered necessary to impose a condition for the design and colour of the new front door to be agreed as this would ensure that the development as a whole would not have any significant adverse effect on the visual amenities of the area. The widening of the existing entrance does not have any significant or overriding adverse effect on the residential amenities of neighbouring properties.

A new roller shutter door would be installed, however, the plans indicate that this would be installed internally, behind the proposed front door. As such, it is not considered that it would have significant adverse effect on the visual amenities of the area or on the amenities of neighbouring properties. The Group Manager Public Protection has no observations to make on the proposal.

The Group Manager Transportation and Engineering (Highways) has no objections to the proposal. Whilst a condition and advisory note has been recommended, these are associated with illumination of the shop sign. This sign, however, would require separate advertisement consent and, consequently, cannot be considered as part of this current application. Any permission granted would include an advisory note reminding the applicant that separate

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advertisement consent may be required for shop signage.

### **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy or 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 Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan (received 14 April 2014)  
Proposed Front Elevation (received 15 July 2014)  
Proposed Ground Floor Plan (received 15 July 2014)  
Proposed Section AA (received 15 July 2014)

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

- 2 Notwithstanding the submitted plans, no development shall commence until full details (including colour) of the shop front door hereby approved has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenities.

#### **\* 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 highway/pedestrian safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. The applicant is advised that any signage associated with the premises may require separate advertisement consent.

**ITEM:**

3

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

**P/14/343/FUL**

**APPLICANT:**

MR GARETH FUDGE  
19 PWLLCARN TERRACE BLAENGARW BRIDGEND

**LOCATION:**

**FORMER CHURCH HALL CHURCH TERRACE BLAENGARW  
BRIDGEND**

**PROPOSAL:**

CHANGE OF USE OF ONE ROOM TO BEAUTICIANS

**RECEIVED:**

14th May 2014

**SITE INSPECTED:**

19th May 2014

#### **APPLICATION/SITE DESCRIPTION**

This application was initially considered by Committee on 26 June 2014 when it was resolved to defer a decision to enable the site to be inspected by Members. My original report to Committee is reproduced below.

The application proposes the change of use of one upper floor treatment room to a beautician. The room is located in the south western corner of the building and amounts to approximately 10sq metres of floorspace. The application form indicates that the proposed business will operate only when the building is open which is currently between 6am - 10.30am and 2.30pm - 9pm and there will be only one person employed in the business. There will be no physical alteration of the building.

#### **RELEVANT HISTORY**

##### **P/14/344/FUL**

12 NO. VELUX WINDOWS

No previous planning history although there is a companion application, P/14/344/FUL, which seeks retrospective consent for the retention of 12 velux roof lights which will also be reported to Committee.

#### **PUBLICITY**

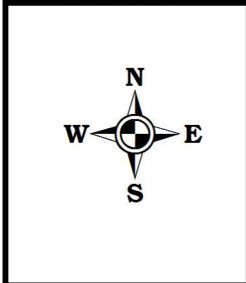
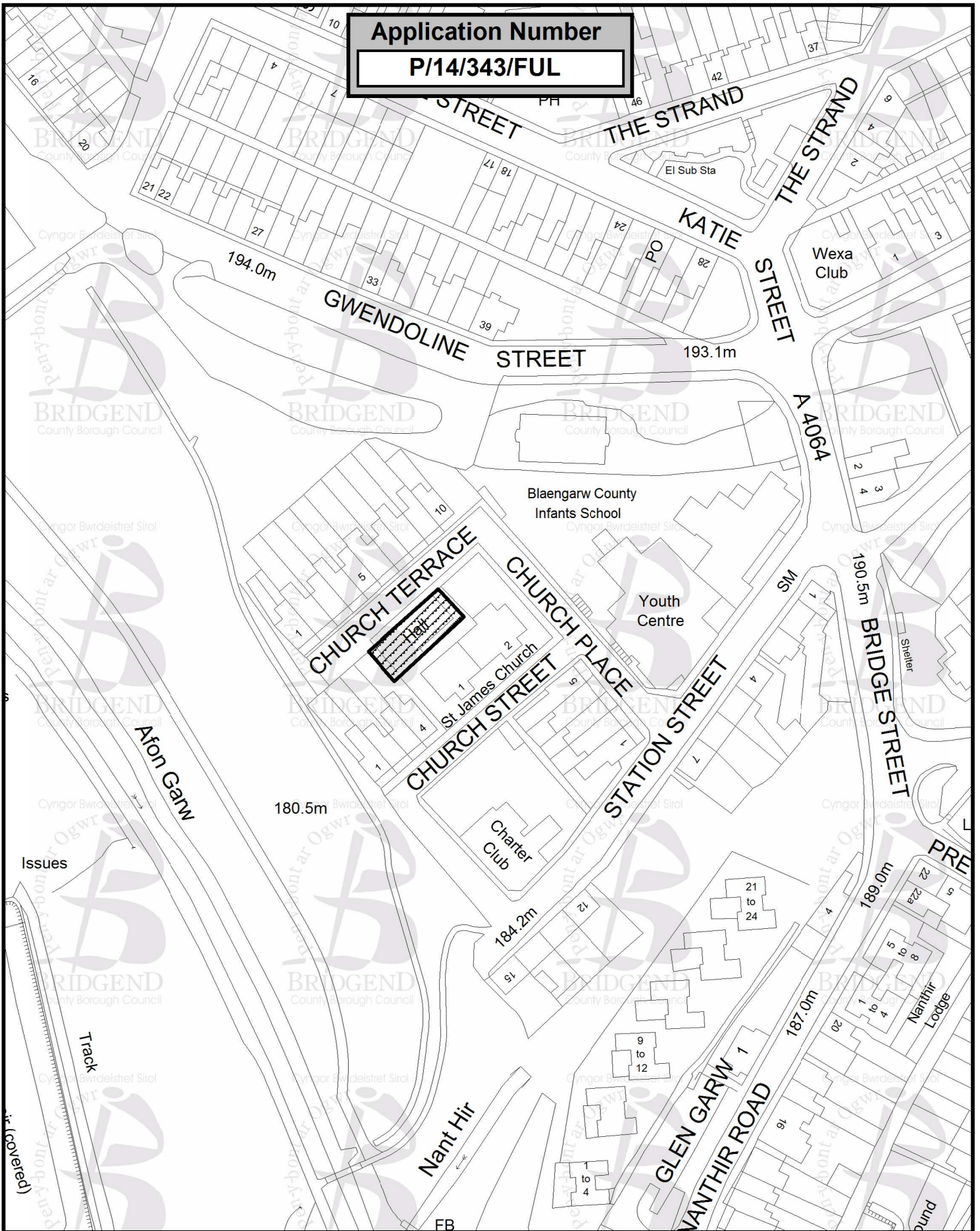
The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 13th June, 2014.

Application Number

P/14/343/FUL



Scale 1:1,250

Date Issued:  
17/07/2014

Development-GIS Team  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

C:/Drive/Plandraw/new MI layouts/  
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## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

### **NEGOTIATIONS**

None

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 16th May 2014

#### **Group Manager Public Protection**

Having reviewed the application, no details of the types of beauty treatments that are going to be undertaken have been provided. Should the applicant intend to provide nail treatments which involve the use of solvents, problems of odour may arise if inadequate ventilation/extraction is provided. Therefore, should the applicant wish to undertake this type of activity, details of any extraction/ventilation system intended to be installed should be agreed with the Authority prior to installation and the development being brought into beneficial use.

#### **Economic Development**

The application is supported as financial support has been awarded to the renovation of this building through the Council's Green Shoots Programme, which aims to encourage businesses and entrepreneurship in wards designated as rural of which Blaengarw is one. It is considered that this application is consistent with this purpose given that it involves only one room in the building and one purpose.

### **REPRESENTATIONS RECEIVED**

#### **David Chambers, 7 Church Terrace**

The change of use is not suitable for Church Terrace, a small cul de sac street because

1. The Street can not sustain large volumes of traffic that has been experienced, has become unsafe for the resident families and especially children. The Police have been called a number of times to date. The development combined with the multi activity private fitness club bears no resemblance to the previous boxing club which opened 2 x per week with 10 members max.

2. The design /position in the premises enables views directly into the bedrooms of the houses opposite, causing residents to keep window covers closed through out the day and night. The same goes for our ground floor/ living rooms and kitchens, I personally keep our blinds tilted to defer people in the club staring at us. We have experienced a loss of privacy.

3. The development combined with the multi activity private fitness club is open from 6am to 10pm causing noise and nuisance at an unreasonable length of time. Excessive disturbance is being caused by music, vehicles, vibration, open windows.

The development has already caused us distress and has impacted on Church Terrace. Residents no longer feel safe letting young children to play in the Street, it has caused neighbour disputes and has devalued our quality of life. The development was stealthily completed without proper consultation resulting in the loss of habitat for two species of bats when the roof was stripped, contravening Environment Law

#### **F M Jenkins, 9 Church Terrace**

Objects to the proposal for the reasons outlined below and registers a request to speak at Committee:-

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

1. Parking - We are a dead end street with ten houses all of which have cars. The street is narrow with no extra car spaces or a car park for the extra cars attending the gym. It is a difficult street to turn in and all these extra cars are causing chaos.
2. Attitude of the Owners - CCTV was installed with no prior warning or explanation and the cameras were facing our homes without permission.

### **Lawrence & Paula Burns, 3 Church Terrace**

Church Terrace is a small cul-de-sac with very limited parking space. The additional traffic to the area associated with this proposal would cause massive inconvenience to the residents, causing us to have to park several hundred metres away from our homes, in some instances. The increased footfall would cause noise disturbance to a quiet street-especially as the proposed opening hours are from 6am to 10 pm. Skylight windows have been installed in the roof of the building which are looking directly into resident's homes-we are able to see persons standing at the skylights from our bedroom windows so assume they have an equal view of us. This is an invasion of privacy as is the cctv that has been installed which captures the comings and goings of anyone entering the street and other personal information. We believe the building was home to a colony of bats-what's happened to them during the renovation? During hot weather the windows will be open and there is noise disturbance as some activities in the building involve playing music. This establishment has already caused and will continue to adversely affect the health and well-being of all residents of Church Terrace due to the problems with parking, noise disturbance and lack of privacy issues and we urge the council to deny permission.

### **Rowland Jones, 8 Church Terrace**

Considers there will be more parking problems for the street.

### **The Owner And/Or The Occupier, 1 St James Church**

supports the proposal.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections received from local residents:-

**Parking** - Residents' concerns relate to the adverse impact from additional traffic but appear to relate to the change of use of the building from a Boxing Club to a Gymnasium, which did not require formal consent. The current proposal relates to the use of one first floor room as a beautician, which will be operated on an appointment basis. It is considered that this use will not so significantly exacerbate the existing parking situation as to warrant refusal.

**Noise** - Objectors highlight that Church Terrace is a quiet residential street and the proposed development especially due to its opening hours will be likely to adversely impact on the residential amenities of residents. Currently, residents are experiencing problems when recently installed skylights are opened during exercise classes, when loud music is played. The issue of whether this disturbance constitutes a noise nuisance would be a matter for the Public Protection to investigate. With regard to the proposed development, however, whilst the operating hours proposed will coincide with those of the building, it is considered unlikely that the beautician will generate excessive noise.

**Skylights** infringing the privacy of bedroom windows in the front elevation of the properties on the opposite side of Church Terrace - It is highlighted that the retention of these installations is the subject of a companion application P/13/344/FUL and the planning merits of such a proposal will therefore be separately assessed. With regard to the proposed beauty treatment room, whilst it

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

is acknowledged that this benefits from a skylight, the room is located in the south western corner of the building facing onto St James Church rather than the properties in Church Terrace

### **APPRAISAL**

The application is referred to Committee to consider the objections raised by local residents.

The application seeks consent for the change of use of one first floor treatment room into a beauticians, which will be operated by one person. The business operating hours are to coincide with the opening hours of the building, which is open 6am - 10.30m and 2.30pm -9pm. No external alterations to the building are proposed.

The application site is a first floor treatment room within an existing building located on the south eastern side of Church Terrace. The building at one time was probably the Hall attached to the adjoining St James Church but was used by a Boxing Club until a relatively recent change to a gymnasium, which did not require formal planning permission. A separate companion application P/13/344/FUL, relating to the retention of sky lights in both roof planes of the building will also be reported to Committee.

The application relates to the change of use of one room only and no external alteration of the building is proposed by this submission. Whilst the objections of local residents are noted, it is considered that, in the main, they relate to the use of the building as a gymnasium, which as clarified is authorised, rather than the proposed development. Given the limited scale of the proposal, it is considered that the use will not adversely impact on the amenities of neighbours.

### **CONCLUSION**

The application is recommended for approval as the development will not adversely impact on visual amenities or so significantly affect highway safety or residential amenities as to warrant refusal of the scheme.

### **RECOMMENDATION**

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

- 1 Details of any ventilation/extraction system, that may be required to be installed to undertake certain types of beauty treatments, should be submitted to and agreed in writing by the Local Planning Authority prior to its installation. The ventilation/extraction system shall thereafter be installed in accordance with the agreed details.

Reason : In the interests of amenities.

\* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

The application is recommended for approval as the development will not adversely impact on visual amenities or so significantly affect highway safety or residential amenities as to warrant refusal of the scheme.

**ITEM:**

4

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

**P/13/740/FUL**

**APPLICANT:**

MRS ELAINE VENABLES  
2 WELL COTTAGES COYCHURCH BRIDGEND

**LOCATION:**

**2 WELL COTTAGES COYCHURCH BRIDGEND**

**PROPOSAL:**

TWO STOREY EXTENSION TO REAR

**RECEIVED:**

8th October 2013

**SITE INSPECTED:**

15th October 2013

#### **APPLICATION/SITE DESCRIPTION**

The application proposes a modest two storey extension, which infills the area between an existing rear two storey kitchen/bathroom annex and the boundary with the Nant Bryn Glas. The proposed extension will have a maximum width of 5.3m tapering to 2.8m and projecting 2.5m from the existing rear wall of the property. The structure will have a flat roof reaching 5.3m in height. The external finishes of the proposed works have not been specified on the submitted plans.

#### **RELEVANT HISTORY**

**79/937**

REF

16-AUG-79

VEH ACCESS

**90/0672**

CC

28-JUN-90

VEHICULAR ACCESS AND HARDSTANDING

**P/93/1292/FUL**

APPROVED

21-01-1994

NEW TWO STOREY KITCHEN AND  
BATHROOM EXTENSION

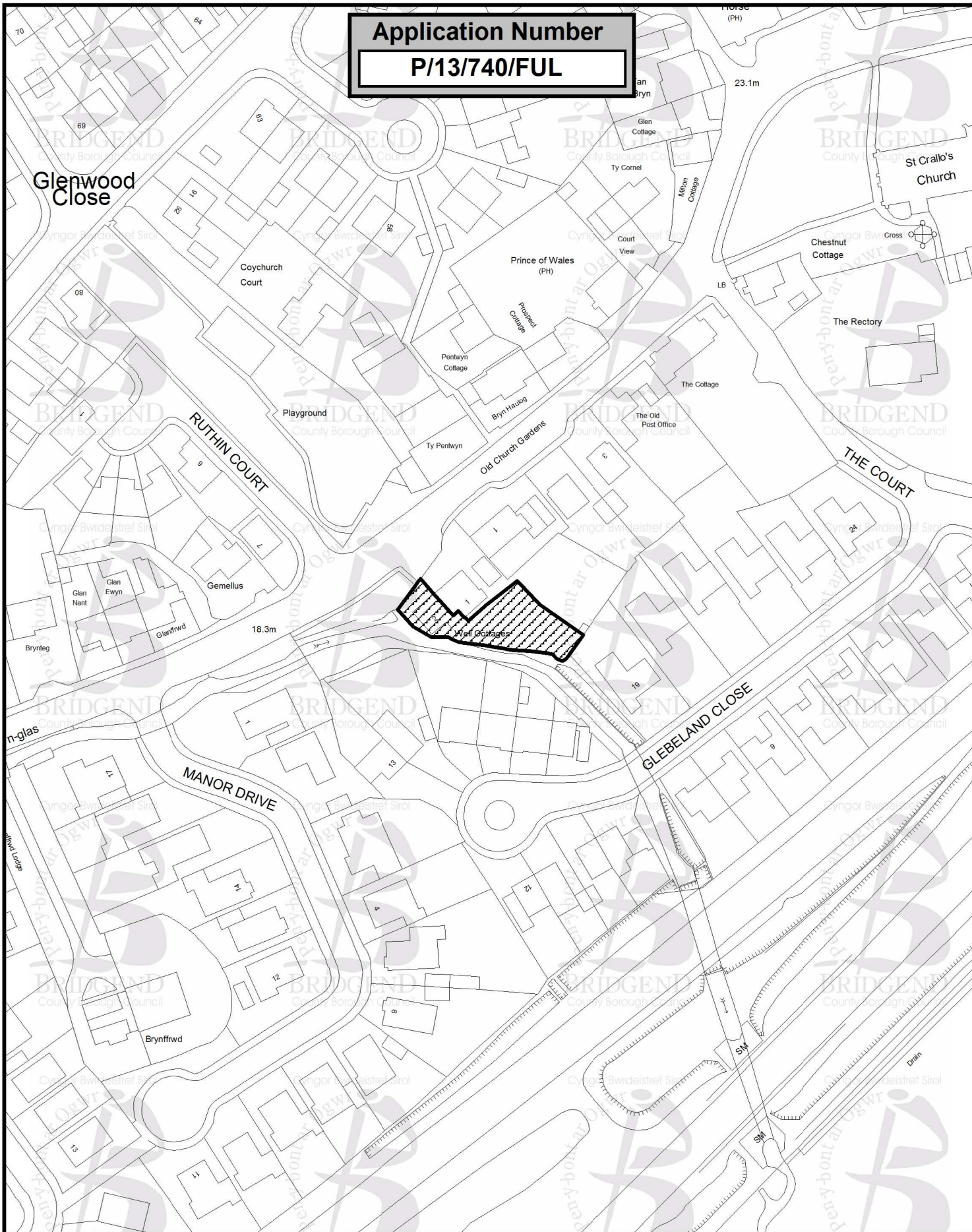
#### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 8th November, 2013.

**Application Number**

**P/13/740/FUL**



**Scale 1:1,250**

**Date Issued:  
17/07/2014**

**Development-GIS Team  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

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

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## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

### **NEGOTIATIONS**

The applicant's agent was advised of the observations of Natural Resources Wales in respect of flooding issues. Prolonged discussions were undertaken between the applicants and NRW, which has resulted in significant amendment to the scheme to omit the rear single storey extension.

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 10th October 2013

#### **Natural Resources Wales**

Initially it was highlighted that the site is located within a C2 Flood Zone and given the scale of the originally proposed extension together with its proximity to the Nant Bryn Glas, there is potential for the development to have an impact on the fluvial flood regime and cause detriment to third party property and land by displacement of flood water and affecting flood flows. If the development were to be favourably recommended, then a Flood Consequence Assessment would be required to demonstrate that the extension could comply with TAN 15. It was also highlighted that any works in, under, over or within 7m of the landward side of the foot of any artificial embankment constructed for the purposes of the river or if there is not such embankment, measured at a distance of 7m on the landward side of the top of the batter or wall confining the river will require the prior written consent of Natural Resources Wales. Unless the FCA can demonstrate the proposed development will not affect third parties, the application will not be supported or a Flood Defence Consent be granted.

Following detailed discussion between the applicant and Natural Resources Wales, the scheme has been amended to omit the rear single storey kitchen/dining extension from the scheme. It was confirmed that with such revision, a limited flood consequences assessment would be accepted. A copy of an email between Natural Resources Wales and the applicant's agent confirming that the limited FCA submitted would be acceptable.

### **REPRESENTATIONS RECEIVED**

#### **Pj Salmon, 17 Glebeland Close**

I wish to object against the above planning application on the following grounds :-

1. The privacy of the garden and rear elevation of 17, Glebeland Close will be affected by being overlooked by the upper bedroom windows of the proposed extension and also by the end window of the lower extension which is across the stream (approximately 4 metres) from no 17 Glebeland Close.
2. One feature which again is being overlooked is the loss of natural habitat for wildlife which will occur with the removal of the hedge. This factor does not seem to be considered in local development by this council.

#### **Mr K Wills, 16 Glebeland Close**

I object to the proposed extension on the following grounds.

1. On the two storey extension, the bedroom will be over looking my garden and looking directly into my dining room and conservatory, which is approximately 15m away. It will also have views

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

into my living room and kitchen.

2. With the single storey extension and the removal of the hedge, the end (third) window will be looking directly into my living room, back bedrooms, bathroom, kitchen, dining room and conservatory, it will also be overlooking my garden, from a distance of less than 5m.

### **John Fox, 15 Glebeland Close**

My comments on the planning proposal are;

- 1) The extension to the upper storey will result in direct oversight into my garden and the rooms facing the rear of my property
- 2) The proposed ground floor extension will bring the property right along the boundary, with 3 windows facing directly onto my property.
- 3) The close proximity of the proposed extension will have both oversight and noise impacts on my property
- 4) The increased coverage of ground so close to the stream between the properties may increase the risk of flooding, as the area drainage will be reduced.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The grounds of objection raised by the occupiers of the three neighbouring properties in Glebeland Close will be addressed in the following Appraisal Section of this report.

### **APPRAISAL**

The application is referred to Committee as an application from a Councillor in respect of which three local residents have raised a material planning objection.

The application seeks consent for the construction of a two storey rear extension to the semi-detached property known as 2 Well Cottages, Coychurch. The property is located on the south eastern side of the main road through the village and in close proximity to the eastern bank of the Nant Bryn Glas, which is classified as a main river by Natural Resources Wales. As indicated in the description of development, the proposed extension will infill the area between an existing rear two storey annex and the boundary with the river and chamfered to take account of the river boundary. The extension is to provide a living room on the ground floor with a bedroom over. The window on the ground floor has been positioned in the angled chamfered wall facing south west with the first floor window in the rear wall facing south east.

In Policy terms, Strategic Policy SP2 of the Bridgend Local Development Plan states that all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria for development proposals to meet and in this case it is considered that the following five are relevant to the proposed development:

2. Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character;
3. Being of an appropriate scale, size and prominence;
8. Avoiding or minimising noise, air, soil and water pollution;
12. Ensuring the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
13. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water.

It is considered that in respect of criteria 2 and 3, the proposed extension is to be attached to the

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

rear elevation of the property and will not be readily visible from public view points. The extension has been generally designed to match the existing dwelling. With regard to scale, the proposed two storey extension is modest and being on the rear of the dwelling will not be prominent.

Whilst Criterion 8 relates to pollution issues, it is highlighted that due to the proximity of the development to the river, there is the potential for the area to flood. Natural Resources Wales have confirmed to the applicant that a limited flood risk assessment, in which the applicant acknowledges the flood risk and incorporates flood resilience measures, would be acceptable. The developer will be reminded of their duty of care to prevent pollution during the construction phase of the development.

With regard to criterion 12, the manner in which the assessment of the impact on the amenity of neighbouring occupiers will be informed by the Authority's Supplementary Planning Guidance 2 Householder Development. Note 6 of the SPG advises that an extension should respect the privacy of neighbouring houses. The explanatory paragraph 4.6.2 clarifies that the Council believes that the minimum distance between directly facing habitable room windows in adjacent properties should normally be 21 metres. Reductions may be acceptable where:

- \* Permanent screening can be provided between facing ground floor windows;
- \* The overlooking is between windows fronting onto a highway where established building lines are less than 21 metres apart;
- \* The overlooking is between windows fronting onto a public space where the buildings are used to define spatial enclosure;
- \* The angle of overlooking between windows is not direct allowing the distance between windows to be reduced as the angle between them is increased;
- \* The overlooked window is a secondary window;
- \* Either the overlooked or overlooking window is high level or is permanently obscured glazed.

In this case it is noted that the angle of overlooking between the proposed first floor bedroom window and the rear elevation of existing properties in Glebeland Close is not direct and the distance is approximately 19.5m. In respect of the privacy of the rear gardens of the dwellings in Glebeland Close, whilst the scheme will bring a first floor bedroom window closer to the boundary, it will not so significantly exacerbate the existing situation as to warrant refusal on this ground, given that an existing first floor bedroom window in the side elevation of the application site is already located in close proximity to the river and the boundary with the neighbours to the south.

Some of the objectors have expressed concern in respect of the originally proposed rear single storey extension but this has now been omitted from the scheme. Concerns in respect of the impact of this element on privacy and the potential consequent removal of boundary hedge have therefore been overcome. In light of the above, it is considered that the development is compatible with criterion 12 ensuring that neighbours are not so significantly affected by the development as to warrant refusal.

Criterion 13 requires that developments incorporate appropriate arrangements for the disposal of foul sewage, waste and water. It has been highlighted that a sewer runs to the rear of the application site and the applicant advised to contact Dwr Cymru/Welsh Water on this issue. In an email updating the case officer on the progress of discussions to address this and the flooding issue, it has been indicated that there would be no objection to the development provided a building over sewer agreement is formalised.

During the processing of the application Policy SP2 of the Bridgend Local Development Plan and Note 6 of Supplementary Planning Guidance 2 Householder Development were considered.



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

### **CONCLUSION**

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

### **RECOMMENDATION**

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

- 1 The materials to be used in the construction of the external surfaces of the approved extension shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reason : To secure the maximum degree of unity between existing and proposed development so as to enhance and protect the visual amenity of the area.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval because the development is compatible with Council policy and guidelines and does not adversely affect visual amenities nor so significantly harms privacy or neighbours' amenities as to warrant refusal.

(b) Any works in, under, over or within 7 metres of the landward side of the foot of any artificial embankment constructed for the purposes of the river or, if there is no such embankment, measured at a distance of 7 metres on the landward side of the top of the batter or wall confining the river will require the prior written consent of Natural Resources Wales (Flood Defence Consent).

(c) The developer is reminded of the need for a Building Over Sewer Agreement to be completed with Dwr Cymru/Welsh Water prior to any construction works commencing.

---

**ITEM:**

**5**

**RECOMMENDATION : GRANT  
WITH CONDITIONS**

**REFERENCE:**

**P/13/579/OUT**

**APPLICANT:**

**EXECUTORS OF MR D J THOMAS  
C/O SOUTH COURT ST MARYS VIEW COYCHURCH**

**LOCATION:**

**LAND OFF WATERTON LANE WATERTON BRIDGEND**

**PROPOSAL:**

**3NO. DETACHED DWELLINGS**

**RECEIVED:**

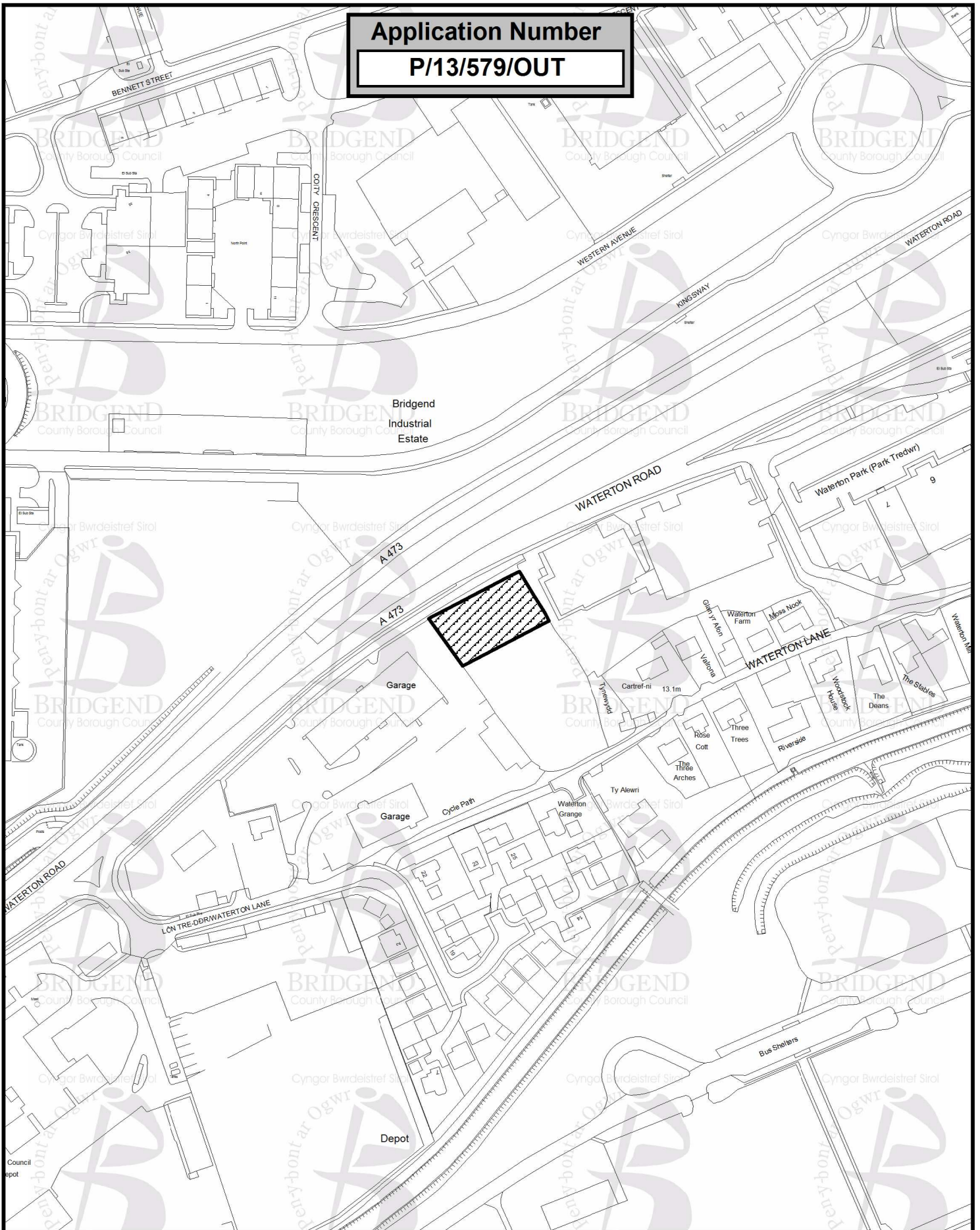
**5th August 2013**

**SITE INSPECTED:**

**9th September 2013**

**Application Number**

**P/13/579/OUT**



**Scale 1:2,500**

**Date Issued:  
17/07/2014**

**Development-GIS Team  
Tel: 01656 643176**

**Mark Shephard**

Corporate Director-Communities

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

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## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

### **APPLICATION/SITE DESCRIPTION**

Outline planning consent is sought for three dwellings on land to the south of the A473, accessed from Waterton Lane (via an approved development recently consented P/13/15/RLX refers). Planning consent was previously granted for development of this site on 13th March 2009 (P/07/1136/OUT refers) but that consent has now expired.

All matters of detail are reserved for future consideration. Accordingly, a location plan and 1:500 Site Layout Plan has accompanied the application, indicating the access arrangements (via the driveway serving the adjoining land) and the position of the three dwellings. The design parameters as expressed on the application form suggest that the dwellings will measure between 10-12m wide, 7-10 m long with pitched roofs reaching a height of between 8-10m. The plan confirms that existing trees and hedgerows along the northern boundary will be removed. New screen planting to form a buffer zone between the site and the A473 is to be provided in its stead. The applicant's agent has confirmed in writing that additional planting will be provided to supplement the existing hedgerows on the eastern and western boundaries - no formal details have been submitted.

A limited Flood Consequence Assessment accompanied the application and, in response to the comments of the Group Manager Public Protection, a Noise Report has also been submitted.

### **RELEVANT HISTORY**

<b>P/05/79/OUT</b> 5 NO DETACHED DWELLINGS	REFUSED	01-11-2005
<b>P/06/237/OUT</b> PROPOSED 5 No. DETACHED DWELLINGS	REFUSED	27-07-2006
<b>P/07/1136/OUT</b> OUTLINE APPLICATION FOR 3 NO. DETACHED DWELLINGS	APPROVED +conditions	13-03-2009
<b>P/09/987/RLX</b> APPLICATION TO EXTEND PERIOD IN WHICH TO SUBMIT APPLICATION OF RESERVED MATTERS	Conditional relax	10-02-2010
<b>P/13/15/RLX</b> VARY CONDITIONS ATTACHED TO P/09/987/RLX - TO ALLOW ADDITIONAL TIME TO COMMENCE DEVELOPMENT	Conditional relax	21-05-2013

### **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

The period allowed for response to consultations/publicity expired on 5th September 2013.

### **NEGOTIATIONS**

Commenced on 17th September 2013 in response to observations received from the Group Manager Public Protection.

### **CONSULTATION RESPONSES**

#### **Town/Community Council Observations**

Notified on 8th August 2013

#### **Councillor E Venables**

I am very concerned about this development.

Waterton Lane is a single track road with little room to pass two vehicles by each other. The development will increase traffic on the Lane and cause traffic problems for the existing residents.

In addition I am also concerned about the effect that the development will have on existing properties in Waterton Lane and Clos Waterton with regards to flooding. If the development goes ahead where will the surface water go which currently is soaked away by the field.

#### **Head Of Street Scene (Waste & Recycling)**

The access drive on the proposed development appears not to be made up to highway adoptable standards and therefore will not be accessible to waste/recycling vehicles.

Residents of these properties will have to carry their waste out to the point at which the un-adopted access drive meets the adopted highway. The waste and recyclables currently involves two large black plastic boxes for paper, cardboard and glass bottles / jars, a large blue bag for plastic containers and other recyclables, a large brown container for kitchen waste and black refuse sacks for general waste. Considering the extent of the waste and recyclables involved and the distance to be carried you can understand why recycling is being discouraged. Also further problems will be created with refuse sacks and recycling containers left outside other residents properties for collection.

To ensure that adequate provision is made for the collection of household refuse and recycling materials, no development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority showing the provision of a household refuse and recycled materials collection area at the entrance to the private drive serving the plots.

The applicant is advised that the collection area required shall be of sufficient size to cater for all the dwellings on the private drive and shall be completed in permanent materials.

The purchasers of the dwellings on the private drive shall be advised of the waste collection/recycling arrangements as part of the sales advice package.

#### **Group Manager Public Protection**

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

High levels of noise may be experienced by the proposed development due to its close proximity to the A473 Waterton Road and to existing commercial units. I have examined the final report from the acoustic consultant in respect of the above development and have the following comments to make:

The report has shown that without mitigation measures, the impact of the development from road traffic noise on the future occupants will be unacceptable. However, with the installation of a barrier and sound insulation measures to incorporate suitable glazing and additional ventilation measures (as the windows will need to be closed to achieve the required internal noise levels), the road traffic noise will be reduced. Therefore, it is requested that the following conditions are attached should planning consent be granted:

1. A contiguous 2m high acoustic barrier shall be installed around the perimeter of the site to separate the development from the road. The barrier shall extend around the perimeter of the site as shown in Appendix 6 of the noise report 1402022R01, and shall be of a minimum mass of 15kg/m<sup>2</sup> and extend fully to the ground. The design and construction details of the barrier shall be forwarded to the Local Planning Authority for approval prior to being installed.

2. Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that all habitable rooms shall be subject to sound insulation measures to ensure that they achieve an internal noise level of 35dBA Leq 16hour during the day and 35dBA Leq 8 hour at night. The scheme shall include details of the glazing and ventilation systems to be installed as the windows will need to be closed to achieve these levels. The ventilation rates shall be provided and the submitted details shall demonstrate that the ventilation system does not compromise the façade insulation or the resulting internal noise level. All works which form part of the scheme, shall be completed before any part of the development is occupied and thereafter be maintained in accordance with the approved details.

### **Welsh Water Developer Services**

We would request that if you are minded to grant Planning Consent for the above development that the recommended conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### **Natural Resources Wales**

We offer no objection to the above application but would ask that the following conditions be taken into consideration.

We acknowledge the findings of the Limited Flood Consequence Assessment submitted in support of the extension of time and offer no adverse comments.

We must however draw your attention to the fact that should any future permission lapse and a further application be made our response will always be based on the understood level of flood risk at that time.

We recognise that this is an outline application and that no details have been provided with regard to the proposed foul drainage arrangements. From our information the site is shown to lie within an area served by the public sewer and therefore, in line with Welsh Office Circular the development should connect. It should be noted that we would oppose any alternative proposal for a non-mains drainage system at this location.

To ensure that a satisfactory form of foul drainage is implemented we would recommend that

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

the following condition is included within any permission granted.

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment.

### **REPRESENTATIONS RECEIVED**

**Letters Of Objection Have Been Received From The Following:, .**

The Three Arches and Cartref

The following is a summary of the representations received which principally relate to highway safety concerns:

1. Waterton Lane is struggling to accommodate the number of vehicles for existing properties.

Additional traffic generated by the development - particular problems will be associated during construction

Access is poor - lane is a single track - is in poor state of repair - the lane floods; it lacks footway forcing people to walk in the carriageway. Few passing places for vehicles

2. Significant safety issues - number of children live and inevitably play in the lane.

3. The development could potentially cause flooding to neighbouring properties

### **COMMENTS ON REPRESENTATIONS RECEIVED**

1. Historically, the Council has resisted new housing development off Waterton Lane on the basis of the substandard nature of the route which is a typically narrow, rural route without segregated pedestrian facilities. In 2007, an Inspector appointed by Welsh Government considered an appeal against one such decision, that being for five dwellings on the land immediately adjoining the application site (Ref. P/06/237/OUT refers). The appeal was allowed subject to conditions, setting aside the highway objection with the Inspector content to increase the number of dwellings on Waterton Lane.

In view of this appeal decision, pursuing an objection on highway grounds is unlikely to be successful on the basis that the arguments that would be put forward by the Council would be precisely the same as those put to the Inspector at the appeal and set aside.

Significant weight must still be given to this appeal decision as there has been no change in planning circumstances to justify a different planning decision.

2. Specific concerns relating to construction traffic and the possible risk to the safety of other users - pedestrians, children etc. have again been raised.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

The Development Control Practice Notes highlight a number of cases where Inspectors have expressed concern about the impact of construction traffic on the amenities and safety of residents. Indeed, conditions have been imposed, prohibiting access to sites via a residential road with an alternative, temporary access being provided elsewhere. The circumstances are, however, somewhat different in this case with the total number of units being eight in the appeal cases the number of units has been twenty plus.

Furthermore, in granting consent for the five units the Inspector did not require an alternative access for construction, and, whilst the Authority has previously considered such an arrangement, it would involve the applicant crossing land in third party ownership. Imposing such a condition would not meet all the tests required for imposing conditions.

3. The applicant intends to utilise a soakaway for the disposal of surface water and a public sewer for foul drainage, with connection points within the site. On the previous application, no adverse comments were offered in connection with site drainage although it was noted that the limited size of the plots and their location may prohibit the use of infiltration system. A condition was however, imposed, requiring that the developer provide details of the foul and surface water drainage arrangements as part of any reserved matters or future planning application. Such a condition will be imposed again, should permission be granted.

### **APPRAISAL**

The application site lies within the 'Primary key Settlement' of Bridgend as defined by Policy PLA1 of the Bridgend Local Development Plan, (LDP). Policy COM3 permits small scale housing development on under-utilised land in settlement boundaries where no other LDP policy protects the land/building for an existing or alternative use.

The principle of developing the site for housing accords with policy COM3 of the LDP.

Policy SP2 represents the starting point for the assessment of all planning applications and introduces 15 'Sustainable Place Making' criteria which will be applied to all development proposals across the County Borough.

Good design, works with the existing attributes of a site such as hedgerows and trees. In this case, the existing hedge line along the northern boundary will be removed to accommodate the three dwellings. A line of new trees will be planted in its stead. Whilst such action is not strictly in accordance with the advice contained in the LDP, the hedge line is not afforded any formal protection.

In the report prepared on the previous application, it was noted that rear gardens of between 9 - 10 metres in length were proposed for the dwellings. The useable garden length would however be reduced by the required hedge. Similar garden sizes have however been approved on recent developments in the County Borough and it should be noted that no standard for garden sizes is prescribed in any of the new adopted supplementary planning guidance nor are any references made in recent Government advice.

The Group Manager Public Protection has indicated that high levels of noise may be experienced by the proposed development due to its close proximity to the A473 Waterton Road and commercial units on Waterton Retail Park. The submitted noise report has shown that without mitigation measures, the impact of the development from road traffic noise on the future occupants would be unacceptable. However, with the installation of a barrier and sound insulation measures to incorporate suitable glazing and additional ventilation measures, the road

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

traffic noise will be reduced. It will be necessary to secure the noise attenuation measures through the imposition of planning conditions.

A number of residents of Waterton have opposed the development and have argued that their amenities will be reduced by this development, (traffic/noise during construction) it was not a matter upheld by the Inspector who granted consent for the adjoining five houses. Furthermore, any direct impact of the development on neighbours, (loss of privacy, domination etc.) will be limited given that the site is some distance from the nearest existing house.

### **CONCLUSION**

The application is recommended for approval because the development, subject to conditions, will comply with Government and Council policy and would not adversely affect the amenities of existing residents or the future occupiers of the development such as to warrant a refusal nor would the development be detrimental to highway safety.

### **RECOMMENDATION**

(R05) That permission be GRANTED subject to the following condition(s) in addition to the standard conditions:-

- 1 The site shall be served by a single means of access onto Waterton Lane via the site approved under application number P/06/237/OUT and P/13/15/RLX with no access whatsoever from the North Western site boundary.

Reason: In the interests of highway safety.

- 2 No development shall commence until a scheme for the provision of traffic signing to warn of the presence of pedestrians walking in the carriageway along Waterton Lane has been submitted to and agreed in writing by the Local Planning Authority and implemented before any part of the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 3 The precise details relating to the means of access shall be reserved for future consideration.

Reason: In the interests of highway safety.

- 4 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

- 5 A contiguous 2m high acoustic barrier shall be installed around the perimeter of the development site in accordance with design and construction details to be submitted to and agreed in writing by the Local Planning Authority prior to development commencing.



## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

The barrier shall extend around the perimeter of the site, as shown in Appendix 6 of the noise report 1402022R01, and shall be of a minimum mass of 15kg/m<sup>2</sup> and extend fully to the ground. The agreed acoustic barrier shall be constructed prior to the occupation of any dwelling on site and retained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the approved development.

- 6** No development shall commence until detailed plans and specifications have been submitted to and agreed in writing by the Local Planning Authority demonstrating that all habitable rooms in the approved dwellings will be subject to sound insulation measures to ensure that they achieve an internal noise level of 35dBA Leq 16hour during the day and 35dBA Leq 8 hour at night. The plans and specifications shall also include details of the glazing and ventilation systems, including ventilation rates to demonstrate that the ventilation system does not compromise the facade insulation or the resulting internal noise level.

All works which form part of the agreed scheme in respect of this condition, shall be completed before any dwelling is occupied on this site and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the approved development.

- 7** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented through the various phases of the development and prior to any dwelling being occupied.

Reason: To ensure effective drainage facilities are provided for the proposed development.

- 8** No development shall commence until a scheme for a household refuse and recycled materials collection facility at the entrance to the private drive serving the plots has been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to any of the dwellings being occupied and retained in the agreed position in perpetuity unless otherwise agreed in writing by the Local Planning Authority .

Reason: In the interests of the amenities of the area.

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

The application is recommended for approval because the development, subject to conditions, will comply with Government and Council policy and would not adversely affect the amenities of existing residents or the future occupiers of the development such as to warrant a refusal nor would the development be detrimental to highway safety.

## **DEVELOPMENT CONTROL COMMITTEE MEETING - 24TH JULY 2014**

Dwr Cymru Welsh Water advises the following:-

- Foul water and surface water discharges shall be drained separately from the site.
- No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155

Any soakaways used for the disposal of surface water must be designed to the requirements of BRE Digest 365. The ground percolation test results and design flows for the surface water drainage and details of the proposed soakaways sizes, types and locations in relation to adjacent properties/boundaries will need to be submitted in connection with condition 5 of the consent.

Natural Resources Wales advocates the use of sustainable urban drainage systems (SUDS) and the developer will have to provide justification as part of the details submitted in connection with condition 7 of the consent if SUDS are not to be implemented.

## DEVELOPMENT CONTROL COMMITTEE MEETING – 24 JULY 2014

### ITEM: 6

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The following appeals have been decided since my last report to Committee:

**CODE NO.** A/14/2217504 (1738)  
**APP. NO.** P/14/90/FUL  
**APPELLANT** MRS WENDY JONES  
**SUBJECT OF APPEAL** TWO STOREY ANNEXE EXTENSION TO REAR: GADLYS VILLA  
MAESTEG ROAD MAESTEG  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
IS DISMISSED.**

A copy of this appeal decision is attached as APPENDIX A

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**CODE NO.** A/14/2212872 (1736)  
**APP. NO.** P/13/450/FUL  
**APPELLANT** MR & MRS D J WILLIAMS  
**SUBJECT OF APPEAL** TWO/SINGLE STOREY EXTENSIONS AND CHANGE OF USE  
FROM FARMHOUSE TO GUESTHOUSE: FELINDRE MILL  
PENCOED  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
IS DISMISSED.**

A copy of this appeal decision is attached as APPENDIX B

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**CODE NO.** A/14/2215085 (1735)  
**APP. NO.** P/13/429/FUL  
**APPELLANT** MR M HEANUE  
**SUBJECT OF APPEAL** NEW DETACHED HOUSE AND GARAGE:  
LAND ADJACENT TO 3 MILL LANE BRIDGEND

**DEVELOPMENT CONTROL COMMITTEE MEETING – 24 JULY 2014**

**PROCEDURE**

WRITTEN REPS

**DECISION LEVEL**

DELEGATED OFFICER

**DECISION**

**THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
IS ALLOWED SUBJECT TO CONDITIONS:**

A copy of this appeal decision is attached as APPENDIX C

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

## **DEVELOPMENT CONTROL COMMITTEE MEETING – 24 JULY 2014**

### **ITEM: 7**

#### **DEVELOPMENT MANAGEMENT QUARTERLY SURVEY JANUARY – MARCH 2014**

The Welsh Government undertakes a survey of local planning authority Development Control services four times a year. The purpose of the survey is to allow Welsh Government to monitor and analyse the quality and speed of planning decisions. The information is then used to inform:

- sharing of best practice
- service improvement
- future changes to the planning system

The purpose of this report is to provide members with an update to the annual statistical report presented to the 1 May 2014 Committee and provides information on Bridgend's performance in relation to the other local planning authorities in Wales.

The statistics at the end of the first quarter of 2014 place Bridgend joint second with the Brecon Beacons National Park Authority in the speed of determining applications at 84% determined within 8 weeks. Merthyr were first on 93% and the Wales average for this quarter is 70%. Bridgend determined a total of 197 applications during this quarter compared with Brecon Beacons on 103 and Merthyr on 72. Bridgend's average for 2013/14 is 82%.

Although there has been a slight drop of 1% from the last quarter, Bridgend's performance generally improved during the early part of 2014 and the authority maintains a consistent position as one of the best performing planning authorities in Wales.

#### **Recommendation**

The contents of this report be noted.

**DEVELOPMENT CONTROL COMMITTEE MEETING – 24 JULY 2014**

**ITEM : 8**

**TRAINING LOG**

*All training sessions are held in the Council Chamber unless otherwise stated.*

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
None			

Dates for other topics and speakers to be arranged including the following:

**Subject**

- Annual review of planning decisions ~ Bridgend & Maesteg Regeneration Projects ~ Autumn 2014
- Life of a planning application

**Recommendation:**

That the report of the Corporate Director - Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR - COMMUNITIES  
18 JULY 2014**

## **DEVELOPMENT CONTROL COMMITTEE : 24-JUL-14**

**P/14/263/FUL/EJ**

Town/Community Council : **MAESTEG**

GARN INN ALMA ROAD MAESTEG

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**P/14/343/FUL/EW**

Town/Community Council : **GARW VALLEY**

FORMER CHURCH HALL CHURCH TERRACE  
BLAENGARW  
BRIDGEND

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**P/14/344/FUL/EW**

Town/Community Council : **GARW VALLEY**

FORMER CHURCH HALL CHURCH TERRACE  
BLAENGARW  
BRIDGEND

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**P/13/579/OUT/PT**

Town/Community Council : **COYCHURCH LOW**

LAND OFF WATERTON LANE WATERTON  
BRIDGEND

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**P/13/740/FUL/EW**

Town/Community Council : **COYCHURCH LOW**

2 WELL COTTAGES COYCHURCH  
BRIDGEND

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**BRIDGEND COUNTY BOROUGH COUNCIL**  
**LOCAL GOVERNMENT ACT, 1972 - SECTION 100D**

**LIST OF BACKGROUND PAPERS**

**MEETING: Development Control Committee**

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**DATE OF MEETING: 24 JULY 2014**

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**REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES**

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<b><u>ITEM</u></b>	<b><u>FILE NO.</u></b>	<b><u>LOCATION</u></b>
Where the application / appeal / enforcement number is quoted, please refer to the file of that number		Corporate Director - Communities - (Planning Dept)
Bridgend Performance		Corporate Director - Communities - (Planning Dept)
Training Log		Corporate Director - Communities - (Planning Dept)

For further details on the above please contact Craig Flower on 01656 643157 or email [planning@bridgend.gov.uk](mailto:planning@bridgend.gov.uk).



**APPENDIX A**

**TO BE READ IN CONJUNCTION WITH ITEM**

**APPEAL - 1738**

**OF THE REPORT OF THE  
CORPORATE DIRECTOR – COMMUNITIES**

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## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 13/05/14

Site visit made on 13/05/14

gan **P J Davies BSc (Hons) MA MRTPI**

by **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 19 Mehefin 2014

Date: 19 June 2014

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**Appeal Ref: APP/F6915/A/14/2217504**

**Site address: Gadlys Villa, Maesteg Road, Maesteg, CF34 9LB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Wendy Jones against the decision of Bridgend County Borough Council.
- The application Ref P/14/90/FUL, dated 6 February 2014, was refused by notice dated 13 March 2014.
- The development proposed is a two storey annexe extension to rear.

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### Decision

1. The appeal is dismissed.

### Main Issue

2. This is the effect of the proposal on the living conditions of the neighbouring occupant(s) of No.45 Maesteg Road.

### Reasons

3. The proposal would result in a two storey development extending for a significant depth into the rear garden, and within close proximity to the boundary with No.45. The latter dwelling has a number of windows facing the appeal site, which include a ground floor kitchen window, and a southerly rear facing window also at ground floor level. The Council explains that the latter relates to an open plan living room that is also served by a northerly facing window at the front of the dwelling. Given the orientation of the dwelling I consider that the rear window affected by the proposal would provide an important source of light to the habitable areas concerned. I have not been provided with the Council's SPG2 guidelines although they are described to some extent by both parties in the evidence. Whilst I concur that such guidelines should be applied to the particular circumstances of each case, it is clear to me from what I saw at my visit, that the significant scale of the proposal, arising from its height and depth, together with its proximity to the boundary, would have a serious impact on the levels of natural light reaching the neighbouring property. Moreover, the outlook from the neighbouring property would be dominated by a substantial flank wall in a way that I consider would be oppressive and unneighbourly. Whilst I note that the occupant of this property does not object to the proposal, this does not

remove the harm or alter my conclusions in planning terms that the development would unacceptable for the reasons that I have given.

4. I conclude that the proposal would be harmful to the living conditions of the neighbouring occupants(s) of No.45 Maesteg Road, contrary to the objectives of Policy SP2 of the Bridgend Local Development Plan.
5. I understand and empathise with the personal circumstances that have led to the need for the development, and I have had regard to the support from the Wellbeing Directorate of the Council. However, in this case, I do not consider that these considerations outweigh the very serious harm that I have identified or the conflict with the development plan.

*P J Davies*

**INSPECTOR**

**APPENDIX B**

**TO BE READ IN CONJUNCTION WITH ITEM**

**APPEAL - 1736**

**OF THE REPORT OF THE  
CORPORATE DIRECTOR – COMMUNITIES**

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/06/14

gan **P J Davies BSc (Hons) MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

Dyddiad: **26/06/14**

## Appeal Decision

Site visit made on 03/06/14

by **P J Davies BSc (Hons) MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

Date: **26/06/14**

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**Appeal Ref: APP/F6915/A/14/2215591**

**Site address: Felindre Mill, Pencoed, Bridgend CF35 5HU**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs David John Williams against the decision of Bridgend County Borough Council.
  - The application Ref P/13/450/FUL, dated 14 June 2013, was refused by notice dated 23 October 2013.
  - The development proposed is 'the proposed refurbishment and extension of an existing farmhouse to provide guesthouse (up to a maximum 6 persons) and private residential accommodation for the Applicants (2 persons). The proposal includes a two storey rear extension, single storey side extensions to East and West elevations, timber footbridge and folly, solar panels and associated hard and soft landscaping'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The Council does not raise objections to the footbridge, folly, solar panels and landscaping and from what I saw I do not disagree. Similarly I do not take issue with the principle of providing bed and breakfast accommodation in this area which I consider would be in keeping with the residential character of the property and would compliment nearby commercial, tourist and hotel facilities. The main issue in this case is the effect of the proposed extensions on the character and appearance of the existing house and the surrounding area.

### Reasons

3. The appeal property is a traditional farmhouse of simple and proportionate construction. It has an unassuming and modest appearance with a balanced architectural integrity of a scale and design that is strongly commensurate with the predominantly rural character of its surroundings.
4. In scale and design, the proposed development to the rear elevation of the farmhouse in itself would generally respect the character and appearance of the dwelling. However, in contrast to the simple and largely symmetrical façade of the principal

front elevation of the farmhouse, the proposed east side extension would have a shallow roof pitch at odds with the sharper roof form of the main house. In particular, it would fail to complement the uniformity of the existing roof pitches that are repeated at regular intervals in the gable end walls and front roof dormers. Similarly, the more prominent western side extension would result in a long building of horizontal emphasis that would project beyond the main front and rear elevations of the house. Owing to its scale and design, it would overwhelm the simplicity of the existing house and appear disproportionate and unbalanced. Taking both side extensions together, and notwithstanding the relatively unobtrusive location of the east side extension, the end result of the differing styles, heights, widths and roof pitches would be an untidy and ad hoc form of development that would damage the existing visual symmetry and harmfully erode the rural qualities of the house and its setting. Moreover, the large glazed frontage to the western side extension and the horizontal shape of the front window on the eastern extension would comprise a distinct contradiction to the vertical window forms of the principal front elevation of the house. This would result in further discordant features that would complicate the design and appearance of the development exacerbating the unacceptable effects that I have identified.

5. There is some question over the degree of prominence of the site in relation to who might see it, nonetheless there is a public footpath that passes near the appeal property and the visual harm would be apparent to visitors of the adjacent tea room and associated facilities. In any event, I do not consider that the degree of prominence is a factor that should excuse poor design.
6. I appreciate that design can be a subjective matter and I have had full regard to the comprehensive Design & Access Statement. I also note that there are no objections outside of the planning department. However for the above reasons, I am in no doubt that the proposal would be harmful to the character and appearance of the existing house and would harmfully detract from the rural character of its surroundings. It would therefore conflict with the strategic objective of Policy SP2 of the Bridgend Local Development Plan (LDP) to ensure that all development contributes to creating high quality, attractive and sustainable places by ensuring amongst other things, that development has a design of the highest quality possible and is of an appropriate scale and size. By reason of its unacceptable scale and design the proposal would also be contrary to the general aim of LDP Policy ENV1 to protect the countryside. Similarly it would conflict with the general design objectives of SPG 02 Householder Development to ensure that extensions to dwellings in the countryside are modest in size and clearly subordinate to the original building.
7. I acknowledge that the proposal would contribute to the Council's tourism objectives and that there would be some employment benefits in the context of Technical Advice Note 6. However, this must be weighed in the balance of other material considerations, and in this case I do not consider that such benefits outweigh the identified harm or the conflict with the development plan. I have had regard to all other matters raised but I find nothing that leads me to alter the conclusions that I have reached.

*P J Davies*

**INSPECTOR**

**APPENDIX C**

**TO BE READ IN CONJUNCTION WITH ITEM**

**APPEAL - 1735**

**OF THE REPORT OF THE  
CORPORATE DIRECTOR – COMMUNITIES**

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## Penderfyniad ar yr Apêl

## Appeal Decision

Ymweliad â safle a wnaed ar 03/06/14

Site visit made on 03/06/14

gan **P J Davies BSc (Hons) MA MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru

by **P J Davies BSc (Hons) MA MRTPI**  
an Inspector appointed by the Welsh Ministers

Dyddiad: **02/07/14**

Date: **02/07/14**

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**Appeal Ref: APP/F6915/A/14/2215085**

**Site address: Land adjacent to 3 Mill Lane, Bridgend CF31 4JN**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Michael Heanue against the decision of Bridgend County Borough Council.
- The application Ref P/13/429/FUL, dated 6 June 2013, was refused by notice dated 12 September 2013.
- The development proposed is construction of new detached house and garage.

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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new detached house and garage on land adjacent to 3 Mill Lane, Bridgend CF31 4JN in accordance with the terms of the application, Ref P/13/429/FUL, dated 6 June 2013, and the plans submitted with it, subject to the conditions set out in the schedule below.

### Procedural Matter

2. The application was determined in accordance with the Bridgend Unitary Development Plan which has since been replaced by the Bridgend Local Development Plan. A number of LDP policies have been provided by the Council, albeit none specifically relate to the main issue. In any event, I have considered the appeal on the basis of the evidence that is available to me.

### Main Issue

3. This is the effect of the proposal on highway safety.

### Reasons

4. Mill Lane is a narrow carriageway with little opportunity for vehicles to pass. In some parts the road width falls below current highway standards set out in Manual for Streets. As a consequence, vehicles that meet on the lane would be likely to have to reverse, particularly as the curved nature of the lane and the gradients do not allow for useful intervisibility. In some sections, given the narrow conditions and the tight highway boundaries, such reversing movements would be awkward to undertake.



5. However, the steep gradient tends to encourage slow speeds, and there are no records of the number of pedestrians that use the lane. Whilst there are connecting steps roughly midpoint along the lane, I have no evidence to suggest that pedestrian traffic is high. In any event, given the conditions, drivers would be reversing slowly and with care. In the context of Technical Advice Note (TAN) 18 Transport the proposal would result in a material increase in traffic movements, however Mill Lane is not a through road and the number of dwellings requiring primary access via Mill Lane is small. Given that other accesses are secondary ones, and that the appeal site lies in an accessible location within walking distance of the town centre, I consider that the overall volume of traffic using Mill Lane would be low. Therefore, despite the increase in traffic that would be generated by the development, I consider that the likelihood of vehicles meeting and having to reverse would be negligible. On balance and in the circumstances that I have described, I do not consider that the intensified use of Mill Lane in this particular case would result in any serious risk to highway safety.
6. Mill Lane is served by a junction with the A4063, a busy main route to and from the town centre. Vehicles turning left from the main road onto Mill Lane would be required to slow down to negotiate the turn, but the carriageway is fairly wide at this point and the junction is also of sufficient width to enable vehicles to turn in even if another vehicle is waiting to move out. In addition, in this built up situation most drivers would be expecting vehicles to enter and leave the highway. Similarly vehicles turning right into Mill lane off the main road would not be an unusual or surprising manoeuvre and at this point the road is reasonably straight with good forward visibility which would allow adequate warning of vehicles waiting in the highway. Whilst there is a bus stop close to the point where vehicles would be turning, given that drivers would be slowing down to the 30 mph restriction and the good forward visibility, I am not persuaded that the proposal would result in conditions prejudicial to highway safety interests.

### **Other Matters**

7. The proposal is in the Newcastle Hill Conservation Area, and from what I have seen and read, I am satisfied that the proposed development would preserve its character and appearance. I also note the residential amenity concerns of nearby residents, however having regard to the design and orientation of the proposed dwelling I do not consider that it would cause any material harm in this respect. With regard to concerns relating to retaining walls and ground stability, these are matters that can be addressed by planning conditions as I have done in this case.

### **Schedule of Conditions**

8. I have had regard to the Councils suggested conditions in the light of the advice in Circular 35/95 'The Use of Conditions in Planning Permissions' and the relevant policies of the LDP that have been drawn to my attention. In addition to the standard time limited condition, conditions relating to external materials, boundary treatments and finished floor levels are necessary in the interests of residential and visual amenity. Conditions are required to ensure that the development complies with the Code for Sustainable Homes, and to ensure the satisfactory development of the site, a condition relating to drainage details is also necessary. Given that major archaeological features are likely to be present nearby, a condition requiring a watching brief is necessary to safeguard such interests. Having regard to the steep gradients of the site and its proximity to other buildings, conditions relating to retaining walls and soil stability are necessary in the interests of public safety. Conditions relating to the details of the parking and turning surface areas are required

in order to safeguard highway safety interests. Where appropriate, and in order to be more concise, I have adjusted the wording of some of the Council's suggested conditions without changing their overall aim.

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) No development shall take place until detailed specifications of, or samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall begin until an interim certificate has been submitted to demonstrate that the dwelling will achieve a minimum of Level 3 and 1 credit under category Ene 1 of the Code for Sustainable Homes. The development shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 and 1 credit under Ene1 has been achieved.
- 5) Prior to the occupation of the dwelling hereby permitted a Code for Sustainable Homes Level 3 Final Certificate shall be submitted to the Local Planning Authority certifying that a minimum of Level 3 and a minimum 1 credit under category Ene 1 has been achieved.
- 6) Development shall not begin until a scheme for the comprehensive and integrated drainage of the site, showing the method of foul drainage and surface water drainage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved detail before the occupation of the development.
- 7) A suitably qualified archaeologist shall be present during the undertaking of any ground disturbing works in the development area so that an archaeological watching brief can be conducted. The watching brief shall be undertaken to the standards of the Institute of Archaeologists, and the local planning authority shall be informed in writing at least 2 weeks prior to the commencement of the development of the name of the appointed archaeologist. No development shall commence until the local planning authority has confirmed in writing that the archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the fieldwork being completed by the archaeologist.
- 8) No development shall take place until details of the proposed floor levels of the dwelling in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall commence until there has been deposited with the local planning authority a certificate from a consulting engineer certifying that any retaining wall will be designed and constructed so as to prevent any subsequent ground movement. Any retaining wall shall be constructed in accordance with the details so certified.
- 10) No development shall commence until a full site investigation has been undertaken with the results submitted to and agreed in writing by the local planning authority.

The investigation shall include soil stability calculations produced by a suitable qualified geologist, and any ground remedial works necessary to withstand the development. The development shall be carried out in accordance with the agreed details.

- 11) Prior to the occupation of the dwelling the parking area shall be implemented in permanent materials and retained as such thereafter for parking.
- 12) No development shall commence until details of the permanent materials for completing the common turning facility fronting the site, and the apron between the garage and the highway, has been submitted to and agreed in writing by the local planning authority. The turning area and apron shall be completed in accordance with the approved details before the dwelling is occupied.

*P J Davies*

**INSPECTOR**